

DISTRICT OF COLUMBIA CODE

ANNOTATED

1981 EDITION

1999 SUPPLEMENT

UPDATING THE LAWS, GENERAL AND PERMANENT IN THEIR NATURE,
RELATING TO OR IN FORCE OR FINALLY ADOPTED IN THE DISTRICT
OF COLUMBIA (EXCEPT SUCH LAWS AS ARE OF APPLICATION IN
THE DISTRICT OF COLUMBIA BY REASON OF BEING GENERAL
AND PERMANENT LAWS OF THE UNITED STATES), AS OF
APRIL 27, 1999, NOTES TO EMERGENCY LEGISLATION
ADOPTED AS OF MARCH 31, 1999, REORGANIZATION
PLANS NOT DISAPPROVED AS OF
DECEMBER 31, 1998, AND NOTES
TO DECISIONS REPORTED AS
OF MARCH 1, 1999

VOLUME 1

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PREFACE

This Supplement updates the District of Columbia Code Annotated by including general, temporary (laws of 225 days duration), and permanent laws in force by the Council of the District of Columbia through April 27, 1999, and by the United States Congress through December 31, 1998. The Supplement also contains reorganization plans approved or deemed approved before December 31, 1998, and notes to emergency legislation passed through March 31, 1999.

This Supplement updates the D.C. Code annotations by including notes taken from District of Columbia cases appearing in the following sources:

Atlantic Reporter, 2d Series: through 721 A.2d 1293
Supreme Court Reporter: through 119 S. Ct. 720
Federal Reporter, 3d Series: through 161 F.3d 23
Federal Supplement: through 23 F. Supp. 2d 152
Bankruptcy Reporter: through 229 Bankr. 34
D.C. Law Review: through 4 D.C. Law Rev. 97.

Also included are annotations from selected opinions of the Superior Court of the District of Columbia published in the Daily Washington Law Reporter. Please note that Superior Court opinions are not binding precedent.

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**ACTS RELATING TO THE ESTABLISHMENT
OF THE DISTRICT OF COLUMBIA AND ITS
VARIOUS FORMS OF GOVERNMENTAL
ORGANIZATION**

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DISTRICT OF COLUMBIA HOME RULE ACT

An Act To Reorganize the Governmental Structure of the District of Columbia, to Provide a Charter for Local Government in the District of Columbia Subject to Acceptance by a Majority of the Registered Qualified Electors in the Dis- trict of Columbia, to Delegate Certain Legislative Powers to the Local Gov- ernment, to Implement Certain Recom- mendations of the Commission on the Organization of the Gov- ernment of the District of Columbia, and for Other Purposes

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

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TITLE I — SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the “District of Columbia Home Rule Act”. (Amended, Aug. 5, 1997, 111 Stat. 786, Pub. L. 105-33, § 11717(a).)

Effect of amendments. — Section 11717(a) of Pub. L. 105-33, 111 Stat. 786, substituted “District of Columbia Home Rule Act” for “District of Columbia Self-Government and Governmental Reorganization Act.”

Effective date of Title XI of Pub. L. 105-33. — Section 11721 of Pub. L. 105-33, 111 Stat. 786, provided that except as otherwise provided in this title, the provisions of this title shall take effect on the later of October 1, 1997, or the day the District of Columbia Financial Responsibility and Management Assistance Authority certifies that the financial plan and budget for the District government for fiscal

year 1998 meet the requirements of section 201(c)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this title.

References to “District of Columbia Self-Government and Governmental Reorganization Act.” — Section 11717(b) of Pub. L. 105-33, 111 Stat. 786, the Balanced Budget Act of 1997, provided that any reference in law or regulation to the “District of Columbia Self-Government and Governmental Reorganization Act” shall be deemed to be a reference to the “District of Columbia Home Rule Act.”

DEFINITIONS

SEC. 103. For the purposes of this Act —

* * * * *

(10) The term “District revenues” means all funds derived from taxes, fees, charges, miscellaneous receipts, grants and other forms of financial assistance, or the sale of bonds, notes, or other obligations, and any funds administered by the District government under cost sharing arrangements.

* * * * *

(14) The term “resources” means revenues, balances, enterprise or other revolving funds, and funds realized from borrowing.

(15) The term “budget” means the entire request for appropriations or loan or spending authority for all activities of all departments or agencies of the District of Columbia financed from all existing, proposed or anticipated resources, and shall include both operating and capital expenditures. (Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 1; Apr. 17, 1995, 109 Stat. 141, Pub. L. 104-8, § 301(a)(1); Aug. 5, 1997, 111 Stat. 777, Pub. L. 105-33, § 11601(b)(1)(A).)

Effect of amendments. — Section 301(a)(1) of Pub. L. 104-8, 109 Stat. 141, rewrote (10) and (14); and, in (15), substituted “appropriations or loan” for “appropriations and loan,” inserted “departments or” preceding “agencies” and “of Columbia” preceding “financed,” and substituted “existing, proposed or anticipated resources” for “existing or proposed resources.”

Application of § 301(a)(1) of Pub. L. 104-8. — Section 301(a)(2) of Pub. L. 104-8, 109 Stat. 142 provided that the amendments made by § 301(a)(1) of the act shall apply with respect to revenues, resources, and budgets of the District of Columbia for fiscal years beginning with fiscal year 1996.

TITLE IV — THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

POWERS OF THE COUNCIL

SEC. 404.

* * * * *

(f) In the case of any budget act adopted by the Council pursuant to section 446 of this act and submitted to the Mayor in accordance with subsection (e) of this section, the Mayor shall have power to disapprove any items or provisions, or both, of such act and approve the remainder. In any case in which the Mayor so disapproves of any item or provision, he shall append to the act when he signs it a statement of the item or provision which he disapproves, and shall, within such 10-day period, return a copy of the act and statement with his objections to the Council. If, within 30 calendar days after any such item or provision so disapproved has been timely returned by the Mayor to the Council, two-thirds of the members of the Council present and voting vote to reenact any such item or provision, such item or provision so reenacted shall be transmitted by the Chairman to the President of the United States. In any case in which the Mayor fails to timely return any such item or provision so disapproved to the Council, the Mayor shall be deemed to have approved such item or provision not returned, and such item or provision not returned shall be transmitted by the Chairman to the President of the United States. In the case of any budget act for a fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), this subsection shall apply as if the reference in the second sentence to “ten-day period” were a reference to “five-day period” and the reference in the third sentence to “thirty calendar days” were a reference to “5 calendar days.” (Amended, Oct. 27, 1978, 92 Stat. 2023, Pub. L. 95-526; Apr. 17, 1995, 109 Stat. 116, Pub. L. 104-8, § 202(f)(2).)

Effect of amendments. — Section 202(f)(2) of Pub. L. 104-8, 109 Stat. 116, added the last sentence in (f).

References in text. — Section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, referred to in the last sentence of (f), is § 305(4) of Pub. L. 104-8, 109 Stat. 152, which is codified as § 47-393(4).

Rules of organization and procedure for Council Period XIII adopted. — Pursuant to Resolution 13-1, effective January 4, 1999, the Rules Resolution for Council Period XIII was adopted. The “Rules for the Council of the District of Columbia, Council Period XIII Resolution of 1999,” effective January 4, 1999, rewrote the rules.

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101. DEFINITIONS.

For the purposes of these Rules, the term:

(1) "Agency" means any of the organizational units of the District of Columbia including, but not limited to, departments, boards, divisions, commissions, and offices, whether subordinate to or independent of the Mayor; except that "agency" shall not include the Council or the District of Columbia courts.

(2) "Auditor" means the Auditor of the District of Columbia as established by section 455 of the Charter (D.C. Code § 47-117).

(3) "Bill" means a proposed act of the Council.

(4) "Borrowing request" means a borrowing request submitted by the Mayor to the Council pursuant to section 10 of the Funds Control Act (D.C. Code § 47-309).

(5) "Budget" or "budget request" means the entire request for appropriations and loans or spending authority for all activities of all agencies, the Council and the District of Columbia courts, financed from all existing or proposed resources including both operating and capital expenditures.

(6) "Budget of the Council" means the entire request for appropriations by the Council.

(7) "Budget structure resolution" means a resolution submitted by the Mayor to the Council pursuant to section 9 of the Funds Control Act (D.C. Code § 47-308).

(8) "Ceremonial resolution" means an expression of appreciation, an honorarium of limited application, or a declaration of no legal effect, which is adopted without objection.

(9) "Chairman" means the Chairman of

the Council of the District of Columbia, as established by section 401 of the Charter (D.C. Code § 1-221).

(10) "Charter" means title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Code § 1-221 et seq.).

(11) "Comprehensive Plan" means the comprehensive plan for the National Capital, including any elements of the plan, as provided in section 423 of the Charter (D.C. Code § 1-244).

(12) "Control budget act" means an act submitted for consideration by the Council pursuant to section 8 of the Funds Control Act (D.C. Code § 47-307) to establish a control budget for the District of Columbia government or to establish as part of a control budget grants awarded during the fiscal year.

(13) "Council" means the Council of the District of Columbia established by section 401 of the Charter (D.C. Code § 1-221).

(14) "Council fiscal impact statement" means an analysis of the fiscal ramifications of the legislation to the Budget and Financial Plan of the District of Columbia, in accordance with requirements stipulated by the Council Budget Director, which is certified by the Budget Director, appointed pursuant to Rule 264.

(15) "Council Period" means the legislative session of the Council beginning at noon on January 2nd of each odd-numbered year and ending at noon on January 2nd of the following odd-numbered year.

(16) "Engrossing" or "engrossment" means the process by which there is finally prepared the text of a bill that has passed any reading prior to final reading.

(17) "Enrolling" or "enrollment" means the process by which there is finally prepared the text of a measure that has passed final reading.

(18) "Executive Branch" means the Office of the Mayor and any office, department, division, board, commission, or agency under the administrative authority of the Mayor.

(19) "Funds Control Act" means the District of Columbia Funds Control Act of 1980, effective September 26, 1980 (D.C. Law 3-104; D.C. Code § 47-381 et seq.).

(20) "Grant application" means any grant application required to be submitted by the Mayor to the Council pursuant to section 6 of the Funds Control Act (D.C. Code, § 47-385).

(21) "Gross planning budget resolution" means the gross planning budget resolution submitted by the Mayor for approval by the Council pursuant to section 7 of the Funds Control Act (D.C. Code § 47-306).

(22) "Legal holiday" means a legal public holiday of the District of Columbia or the United States as set forth in D.C. Code § 28-2701.

(23) "Mayor" means the Mayor of the District of Columbia as established by section 421 of the Charter (D.C. Code § 1-241).

(24) "Measure" means a proposed act, resolution, or amendment to a proposed act or resolution, a motion pending before the Council or before a committee of the Council, a proposed reorganization plan, reprogramming request, non-offsetting budget modification request, grant application, proposed state plan, or proposed municipal regulation transmitted by law to the Council for its approval.

(25) "Meeting" means the formal convening of a committee or the Council, other than solely for the purpose of receiving testimony, held at a designated time and place for the purpose of transacting public business, including official action of any kind.

(26) "Member" means a member of the Council established by section 401 of the Charter and includes the Chairman, unless the context clearly indicates otherwise.

(27) "Normal business hours" means 9:00 a.m. through 5:30 p.m., Monday through Friday, except legal holidays.

(28) "Official action" has the same meaning as in section 742 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Code § 1-1504).

(29) "Person" means an individual, partnership, association, corporation, or any other organization.

(30) "Recess of the Council" means periods of time during which regularly scheduled meetings of the Council are not held; i.e., the month of August through September 15th, the 9-day period beginning on the Friday immediately preceding Easter, the 17-day period beginning on July 15th of each year, and the 9-day period ending on December 31st of each year.

(31) "Remuneration" means the rate or level of compensation to be paid an employee for the performance of his or her duties up to and including, but no more than, the maximum authorized and appropriated by law.

(32) "Reprogramming Policy Act" means the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code § 47-361 et seq.).

(33) "Reprogramming request" means any reprogramming request or budget modification submitted to the Council pursuant to sections 4 and 5, respectively, of the Reprogramming Policy Act (D.C. Code §§ 47-363 and 364).

(34) "Resolution" means an expression of a simple determination, decision, or direction of the Council of a special or temporary character and includes actions of the Council concerning its internal management and conduct.

(35) "Short title" means the term by which an act or resolution may be cited.

(36) "State plan approval request" means a request to approve a state plan submitted by the Mayor to the Council pursuant to section 6 of the Funds Control Act (D.C. Code § 47-385).

(37) "Subpoena" means *subpoena ad testificandum* or *subpoena duces tecum*, or both.

(38) "Transcription" means a verbatim recordation, including a tape recording.

ARTICLE II—ORGANIZATION.

201. OATH OF OFFICE.

(a) On January 2nd of each odd-numbered year, members of the Council whose terms begin at that time shall take and subscribe an oath or affirmation to support the Constitution of the United States and faithfully to discharge the office of member of the Council. The oath of office to the Councilmembers shall be administered by a legally authorized person of the member's choice. The Secretary to the Council shall supply printed copies of the oath, which shall be subscribed by the members and returned to the Secretary and recorded in the Council records as conclusive proof of the fact that the signer took the oath in accordance with law.

(b) A member of the Council whose term of office does not begin at the beginning of a Council Period shall take and subscribe an oath or affirmation described above as soon as practicable after he or she has been duly certified as having been elected or selected for the position.

202. CONFLICT OF INTEREST.

Any member who, in the discharge of his or her official duties on the Council, would be required to take an action or make a decision that would affect directly or indirectly his or her financial interest, as defined by section 601(b) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 467; D.C. Code § 1-1461(b)), or those of a member of his or her household or a business with which he or she is associated, or must take an official action on a matter as to which he or she has a conflict situation created by a personal, family, or client interest, shall disclose this information in writing to the Chairman, or shall submit a statement for the record at the appropriate committee or Council meeting. The Chairman shall excuse the member from votes, deliberations, and other action on the matter, if the member requests to be excused. If a member discloses a potential conflict of interest which the member determines does not prohibit him or her from taking official action pursuant to D.C. Code § 1-1461(b), the member may participate in the votes, deliberations and other actions on the matter; however, this disclosure shall be made whenever the member participates in any deliberations or other actions on the matter. If the member's participation would be prohibited by D.C. Code § 1-1461(b), the member shall not participate in any vote, deliberation, or other action on the matter. If the participation by a chairperson of a committee in the votes, deliberations or other action on a measure assigned to the chairperson's committee would be prohibited by D.C. Code § 1-1461(b), the chairperson shall return the measure to the Chairman

for reassignment. Any information disclosed under this section shall be included in the written record of the proceedings.

A. EXECUTIVE OFFICERS OF THE COUNCIL.

211. CHAIRMAN.

The Chairman shall be the presiding and chief executive officer of the Council.

212. CHAIRMAN PRO TEMPORE.

In each Council Period, the Chairman shall nominate one member as Chairman Pro Tempore who will act in the place of the Chairman when the Chairman is absent or recuse himself or herself. The Council shall act on the Chairman's nomination by resolution.

213. VACANCY IN OFFICE OF CHAIRMAN.

Whenever a vacancy occurs in the Office of the Chairman or the Chairman is serving as Acting Mayor, the Chairman Pro Tempore selected pursuant to section 212 shall convene the Council. The Council, by resolution, shall elect one of its at-large members as Acting Chairman and another at-large member as Acting Chairman Pro Tempore until the vacancy in the Office of Chairman is filled or until the return of the regularly-elected Chairman.

B. COMMITTEE MEMBERSHIP.

221. SELECTION.

At or near the beginning of a new Council Period, the Chairman shall nominate the chairperson and members of each committee of the Council. The Council shall by resolution act on the Chairman's nominations.

222. CHAIRMAN AS EX-OFFICIO MEMBER.

The Chairman shall be an ex-officio, voting member of all committees and may be counted for purposes of a quorum, but shall not increase the quorum requirement for the committee.

223. VACANCIES.

A vacancy in the membership or chair of a committee shall be filled by appointment by the Chairman, with the approval of the Council by resolution.

224. DISTRIBUTION OF RESPONSIBILITY.

The Chairman and Council shall endeavor to distribute committee responsibility as evenly as possible among the members and in no event shall an individual member chair more than 1 standing committee. The principle of seniority shall be respected in the assignment of committee chairs.

225. PARTICIPATION OF MEMBERS IN COMMITTEE MEETINGS.

(a) Any member of the Council may attend the meeting of any committee and may participate in committee discussions, but only com-

mittee members may make motions and cast votes.

(b) Any member of the Council may participate fully in the hearings of any committee.

226. RULES OF COMMITTEES.

(a) Each committee shall adopt written rules, not inconsistent with these Rules or other applicable law, to govern its procedures. The committee rules, effective when filed in the Secretary's Office, shall incorporate the following principles:

(1) The scheduling of regular meeting days, which shall not be less frequent than monthly, for conducting business;

(2) A procedure for rescheduling or canceling a regular meeting;

(3) A procedure for holding additional meetings to be called by the chairperson;

(4) A procedure for holding special meetings, which shall be called at the request of a majority of the members of the committee;

(5) Procedures to govern the chair of a committee meeting in the absence of the chairperson;

(6) Procedures for keeping a complete record of all committee action, which shall include roll call votes;

(7) Procedures for making available for inspection by the public, at reasonable times in the office of either the committee or the Secretary to the Council, a description of each amendment, motion, order, or other proposition on which a roll call was taken, the name of each member voting for and against the amendment, motion, order, or proposition, and the names of those members present but not voting;

(8) A procedure for giving notice of hearings consistent with section 422;

(9) Procedures setting a fixed number of members to constitute a quorum for taking testimony and receiving evidence;

(10) The imposition of a 10 minute rule in the interrogation of a witness before the committee, until each member of the committee has had an opportunity to question the witness;

(11) A prohibition against voting upon a measure or recommendation unless a quorum of the committee is actually present;

(12) A requirement that if, at the time of approval of a measure by a committee, a member of the committee gives notice of the intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 5 days, excluding Saturdays, Sundays, and legal holidays, within which to file the views, which shall be included in the report of the committee on the measure;

(13) A procedure for amending the committee rules by a vote of a majority of the committee; and

(14) A requirement that if an amendment is orally moved during a committee meeting, it shall, upon request by a member, be reduced to writing and read by the Committee Clerk or other staff of the Committee.

(b) The following provisions of these Rules shall be considered rules of committees: 101 (Definitions); 202 (Conflict of Interest); 304 (Quorum); 305 (Meetings Open to the Public); 306 (Executive Sessions); 307 (Hearing the Mayor); 321 (Decorum of Members); 322 (Decorum of Members of the Public); 331 (Obtaining the Floor); 332 (Limitations on Debate); 333 (Personal Privilege); 334 (Points of Order); 335 (Appeal); 336 (Extension of Remarks); 341 (Motions Recognized During Debate); 342 (Withdrawal or Modification of Motions); 344 (Amendments to be Written); 351 (Form of Vote); 352 (Voice Votes); 353 (Demand for Roll Call Vote); 356 (Proxy Voting Prohibited); 357 (Reconsideration); 425 (Methods of Notice); 447 (Records of Legislative Meetings); 449 (Effect of End of Council Period); 1001 (Parliamentary Authority); 1002 (Gender Rule of Construction); and 1003 (Suspension of Rules).

(c) Any provision of these Rules that by its terms specifically applies to a committee shall be binding on each committee.

(d) When these rules are used as committee rules, and unless the context dictates a different meaning, the term "Council" means "committee", the term "member" or "member of the Council" means "member of the committee", the term "Chairman" means "Chairperson of the Committee", and the term "Secretary" means "Clerk or other staff of the committee".

(e) A committee may adopt additional rules. Committee rules adopted under this section shall be consistent with these Rules and other applicable law, and shall be filed with the Secretary to the Council.

C. STANDING COMMITTEES.

231. COMMITTEE OF THE WHOLE.

(a) The Committee of the Whole is responsible for matters pertaining to the annual budget, and amendments, additions, or supplements to the budget; coordinating the Council's relationships with Congress, the Federal executive branch, and the D.C. Financial Responsibility and Management Assistance Authority; monitoring the progress of Council legislation through Congressional review; monitoring the status of original legislative proposals pending in the Congress that may affect the District of Columbia, the Council, or its legislation; the development of the comprehensive plan and other matters pertaining to land use; public space naming; federal grants management; reapportionment and realignment of the political subdivisions of the District of Columbia; Council administration and personnel; the scheduling of all matters for consideration by the Council in the legislative meeting; legislative matters related to the District of Columbia as a political entity, including matters related to Statehood and self-determination for the District; and other matters assigned to it by these Rules or by the Chairman.

(b) The Chairman of the Council is the

Chairman of the Committee of the Whole and its members include all members of the Council. The Committee of the Whole shall meet on the third Tuesday of each month, except during periods of Council recess, in a work session to consider measures which have been reported and timely filed by committees pursuant to subsection (c) of this section, and for the introduction and referral of legislation. The Chairman may not withhold a measure duly reported and timely filed by another committee from the Committee of the Whole agenda, unless the Committee of the Whole votes to table the measure.

(c) Except as provided in section 339, each bill and resolution reported by the committees of the Council identified in sections 232 to 243 shall be referred to the Committee of the Whole for a review of its legal sufficiency and technical compliance with the drafting rules of the Council; for ascertaining completion of the record; for a determination of the sufficiency of the fiscal impact statement required by section 443(c); and for scheduling for the Legislative Session.

(d) The following agencies shall come within the purview of the Committee of the Whole:

- District of Columbia Auditor
- Council of the District of Columbia
- Office of Budget and Planning
- Board of Zoning Adjustment
- Office of Zoning
- Office of Planning
- Zoning Commission of the District of Columbia
- National Capital Planning Commission
- District of Columbia Statehood Commission
- District of Columbia Statehood Compact Commission
- Office of Grants Management

232. COMMITTEE ON CONSUMER AND REGULATORY AFFAIRS.

(a) The Committee on Consumer and Regulatory Affairs is responsible for matters relating to government regulation of commercial, non-health occupations and professions, real estate, and housing activities, including maintenance of housing stock, and housing inspectors; consumer affairs; banking activities that relate to consumer affairs, and environmental matters related to consumer and regulatory affairs; and insurance.

(b) The following agencies come within the purview of the Committee on Consumer and Regulatory Affairs:

- Department of Consumer and Regulatory Affairs
- District of Columbia Boxing and Wrestling Commission
- Board of Consumer Claims Arbitration for the District of Columbia
- Rental Housing Commission
- Professional licensing boards not specifically assigned to other committees

Educational Institution Licensure Commission
Public Service Commission of the District of Columbia
Office of the People's Counsel
D.C. Housing Authority
Department of Insurance and Securities Regulation

233. COMMITTEE ON ECONOMIC DEVELOPMENT.

(a) The Committee on Economic Development is responsible for matters related to economic, industrial and commercial development; tourism, cultural affairs; international business and affairs; cable television, industrial revenue bonds, the regulation of banks, and matters related to the development of housing stock.

(b) The following agencies come within the purview of the Committee on Economic Development:

District of Columbia Chamber of Commerce
Office of Business and Economic Development or any successor agency or successor component of that agency
District of Columbia Economic Development Finance Corporation
District of Columbia Redevelopment Land Agency
Washington Convention Center Authority
Deputy Mayor for Economic Development
D.C. Committee to Promote Washington
Washington Convention and Visitors Association
Office on Banking and Financial Institutions
Office of Cable Television and Telecommunications
Public Access Corporation
District of Columbia Housing Finance Agency
Department of Housing and Community Development or any successor agency or successor component of that agency
Local Business Opportunity Commission
Local Business Development component of the Department of Human Rights and Local Business Development
Sports and Entertainment Commission
Housing Production Trust Fund Board
National Capital Revitalization Corporation
Commission on Arts and the Humanities

234. COMMITTEE ON EDUCATION, LIBRARIES, AND RECREATION.

(a) The Committee on Education, Libraries, and Recreation shall be responsible for all matters related to public education, libraries, and recreation.

(b) The following agencies come within the purview of the Committee on Education, Libraries, and Recreation:

District of Columbia Public Schools

University of the District of Columbia
Education in Partnership with Technology Corporation
District of Columbia Public Library
Department of Recreation

235. COMMITTEE ON FINANCE AND REVENUE.

(a) The Committee on Finance and Revenue is responsible for matters relating to taxation and revenue for the operation of the government of the District of Columbia; general obligation bond acts and revenue anticipation notes.

(b) The following agencies shall come within the purview of the Committee on Finance and Revenue:

Office of Finance and Treasury
Board of Real Property Assessments and Appeals
Multistate Tax Commission
District of Columbia Lottery and Charitable Games Control Board
Office of Financial Management
Office of Tax and Revenue
Office of Financial Operations
Office of the Chief Financial Officer

236. COMMITTEE ON GOVERNMENT OPERATIONS.

(a) The Committee on Government Operations is responsible for matters related to elections, general services, personnel, including human rights; employment and manpower development, general administration of the government of the District of Columbia.

(b) The following agencies come within the purview of the Committee on Government Operations:

Office of the Mayor
Office of Press Secretary
Office of Personnel
District of Columbia Retirement Board
Office of the City Administrator
Office of Employee Appeals
District of Columbia Board of Elections and Ethics
Office of Intergovernmental Relations
Office of the Inspector General
Contract Appeals Board
Department of Employment Services
Apprenticeship Council
Office of Labor Relations and Collective Bargaining
Secretary of the District of Columbia
Commission on Human Rights
Office of Human Rights component of the Office of Human Rights and Local Business Development
Commission for Women
Commission for Men
Office of Latino Affairs
Commission on Latino Community Development
Public Employees Relations Board
Office of Property Management

Office of Chief Technology Officer
Office of the Chief Procurement Officer

237. COMMITTEE ON HUMAN SERVICES.

(a) The Committee on Human Services is responsible for matters concerning welfare; social services; health and environmental health; the regulation of health occupations and professions; youth affairs (other than corrections), health care inspectors; concerns of the aging, and energy.

(b) The following agencies come within the purview of the Committee on Human Services:

Commission on Aging
Department of Human Services
Office on Aging
Office of Energy
Citizens Energy Advisory Committee
Public Benefits Corporation
Department of Public Health
Board of Medicine
Board of Dentistry
Board of Nursing
Board of Nursing Home Administration
Board of Psychology
Board of Dietetics and Nutrition
Board of Occupational Therapy
Board of Optometry
Board of Pharmacy
Board of Physical Therapy
Board of Podiatry
Board of Social Work
Board of Professional Counseling
Board of Respiratory Care
Board of Massage Therapy
Board of Chiropractic
Statewide Health Coordinating Council
Barber and Cosmetology Board
Board of Veterinary Examiner

238. COMMITTEE ON THE JUDICIARY.

(a) The Committee on the Judiciary shall be responsible for matters affecting the judiciary and judicial procedure which are within the authority of the Council; matters affecting decedents' estates and fiduciary affairs; matters affecting administrative law and procedure; matters affecting criminal law and procedure; matters arising from or pertaining to the police and fire regulations of the District of Columbia; and other matters related to police protection, correctional institutions (including youth corrections), fire prevention, and civil defense.

(b) The following agencies come within the purview of the Committee on the Judiciary:

Metropolitan Police Department
Fire Department
District of Columbia Emergency Management Agency
National Guard
District of Columbia Judicial Nomination Commission
Commission on Judicial Disabilities and Tenure
Office of the Corporation Counsel
Public Defender Service

Department of Corrections
Board of Appeals and Review
Civilian Complaint Review Board
Child Support Guidelines Commission
Advisory Commission on Sentencing

239. COMMITTEE ON LOCAL AND REGIONAL AFFAIRS.

(a) The Committee on Local and Regional Affairs is responsible for coordinating the Council's relationships with appropriate regional, state, and national associations and organizations; the Council's relationship with regional authorities and regional public transportation issues, and other regional bodies and organizations not specifically assigned to other committees; and matters regarding Advisory Neighborhood Commissions.

(b) The following agencies shall come under the purview of the Committee on Local and Regional Affairs:

Metropolitan Washington Council of Governments
Washington Metropolitan Area Transit Authority
Washington Metropolitan Area Transit Commission
Metropolitan Washington Airports Authority
Advisory Neighborhood Commission

241. COMMITTEE ON PUBLIC WORKS AND THE ENVIRONMENT.

(a) The Committee on Public Works and the Environment is responsible for matters relating to environmental management and maintenance, public space, highways, bridges, traffic, regulation of vehicles, the regulation of taxicabs, maintenance of public spaces, maintenance of public buildings, recycling, waste management, water supply, air and water quality, and wastewater treatment.

(b) The following agencies come within the purview of the Committee on Public Works and the Environment:

Department of Public Works
Washington Aqueduct
District of Columbia Bicycle Advisory Council
Litter and Solid Waste Reduction Commission
District of Columbia Taxicab Commission
Soil and Water Conservation District
Water and Sewer Authority
Department of Motor Vehicles

D. SPECIAL COMMITTEES.

251. CREATION OF SPECIAL COMMITTEES.

Special Committees to consider investigations, ethics, and other matters may be created by resolution approved by $\frac{2}{3}$ of the members of the Council. The resolution shall set forth the

jurisdiction, size, duration, and date for final action of the special committee.

252. USE OF SUBPOENAS BY SPECIAL COMMITTEE.

A special committee may use subpoenas to obtain testimony or documents only if the resolution creating the special committee authorizes the issuance of subpoenas. Subpoenas issued by special committees shall comply with the requirements of Article VI of these Rules.

253. SPECIAL PROJECTS.

Special policy development and oversight projects may be created and funded by a Council resolution. The resolution shall set forth the timetable, budget, goals, and deliverables of the special project, and specify whether the project will be undertaken by a standing or special committee, or another method of organization.

E. APPOINTED OFFICERS OF THE COUNCIL.

261. APPOINTMENT OF OFFICERS.

The appointed officers of the Council are the Secretary, General Counsel, and the Budget Director. The assignment, removal, and remuneration of these officers shall be recommended by the Chairman, and approved by vote of the majority of the Council.

262. SECRETARY.

The Secretary is the chief administrative officer of the Council and is responsible for maintaining records of Council actions including the filing of bills and proposed resolutions, amendments to bills and resolutions, requests for hearings, committee reports, and other records and reports assigned by these Rules, the Council, or the Chairman, and for proposing and administering the fiscal year budget of the Council.

263. GENERAL COUNSEL.

The General Counsel is responsible for advising the Council on matters of parliamentary procedure, identifying legislative problems, providing members with alternatives in terms of policy options to solve those problems, representing the Council in any legal action to which it is a party, supervising the publication of the District of Columbia Code, providing legislative drafting assistance to all members, engrossing and enrolling measures, and making necessary technical and conforming changes in measures during enrollment.

264. BUDGET DIRECTOR.

The Budget Director is responsible for advising members of the Council on matters related to the budget including the development of annual and multiyear budgets and financial plans, review of contracts, and analysis of the fiscal impact legislation. The budget staff shall also serve as a resource for all Council committees and members.

F. COUNCIL PERSONNEL AND APPOINTMENTS.

271. SUBORDINATE STAFF OF APPOINTED OFFICERS.

The appointed officers may assign, remove, and determine the remuneration for their respective professional and clerical staffs, subject to appropriations and positions allocated by the Council.

272. COMMITTEE STAFF.

(a) The chairperson of each committee shall assign, remove, and determine the remuneration for the staff of the committee, subject to appropriations and positions allocated by the Council.

(b) The chairperson of each committee shall notify the members of the committee of such action within 3 working days.

273. MEMBERS' PERSONAL STAFF.

Each member may assign, remove, and determine the remuneration for his or her personal staff, subject to appropriations and positions allocated by the Council.

274. COUNCIL APPOINTMENT TO OTHER BODIES.

Where the law provides for the Council to appoint a person to another body, the Chairman shall nominate the person and the Council shall act on the nomination by resolution. A representative appointed by the Chairman or Council shall report to the Council on a periodic basis. The Council may, by resolution, instruct its representative as to the position to take on a particular matter.

275. APPOINTMENT BY COMMITTEES AND MEMBERS.

(a) Where the law provides for a committee to appoint or approve the appointment of a person to a board or commission, the committee shall act on the appointment by committee resolution filed with the Secretary.

(b) Where the law provides for a member to appoint a person to a board or commission, the member shall make the appointment by memorandum filed with the Secretary, which states:

- (1) The legal capacity in which the member is acting, e.g., as a member of the Council or as chair or a member of a particular committee;
- (2) The date of appointment;
- (3) The official name of the board or commission to which the person is being appointed;
- (4) The name, complete mailing address, and ward designation of the person appointed;
- (5) The law under which the appointment is being made; and
- (6) The term of the appointment.

276. RESIDENCY REQUIREMENT FOR APPOINTMENTS.

After January 1, 1987, each member of a

District of Columbia board or commission who is not serving as a member of that board or commission as of January 1, 1987, and who is appointed under section 274 or 275, shall be a resident of the District of Columbia at the time of appointment, unless the law or executive order that established the board or commission specifically authorizes the appointment of a nonresident as a member of the board or commission.

ARTICLE III—PROCEDURES FOR MEETINGS.

A. LEGISLATIVE MEETINGS.

301. ORGANIZATIONAL MEETING.

On the first day of each Council Period that is not a Saturday, Sunday, or legal holiday, the Council shall convene an organizational meeting for the purpose of considering the adoption of Rules of Organization and Procedure, selecting a Chairman Pro Tempore pursuant to section 212, appointment of committee chairs and memberships, appointment of members to regional bodies, and appointment of Council officers. If a quorum is not present, the Chairman shall convene an organizational meeting as soon as feasible.

302. REGULAR MEETINGS.

(a) The Council shall hold a regular legislative meeting on the first Tuesday of every month except during a period of recess of the Council. When the day for a regularly scheduled legislative meeting falls on a day designated by law as a legal holiday, the meeting shall be held at the same time on the next succeeding day not a holiday. Regularly scheduled legislative meetings shall be held at 10:00 a.m. The Chairman may designate another hour for a meeting at the next legislative meeting or meeting of the Committee of the Whole or by written notice to each member and the Secretary to the Council at least 24 hours before the regularly scheduled hour.

(b) All regular meetings of the Council shall be held in the Council Chamber, Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., unless another place is designated by a majority of the Council either in a legislative meeting or in writing circulated to all members and the Secretary to the Council no less than 24 hours prior to the scheduled meeting. During the period the John A. Wilson Building is being renovated, all regularly scheduled meetings shall be held in the Council's temporary chambers.

(c) If a majority of the Council is present at a regular meeting, the Chairman may recess that meeting to another time, day, or place, or may reschedule a future regular meeting to another time, day, or place.

(d) The Chairman may cancel a future regularly scheduled meeting. The Secretary shall notify each member of a meeting cancellation.

303. ADDITIONAL AND SPECIAL MEETINGS.

(a) The Chairman may call additional meetings of the Council.

(b) Any 2 members may request that the Chairman call a special meeting of the Council. The request must be in writing and filed in the Office of the Secretary. Immediately upon the filing of the request, the Secretary shall notify the Chairman and other members of the filing of the request. If, within 24 hours after the request is filed, the Chairman does not call the requested special meeting, to be held within 72 hours after the request is filed, a majority of the members of the Council may file in the office of the Secretary their written notice that a special meeting of the Council will be held, specifying the date, hour, place, and agenda of the special meeting. The Council shall meet at that date and hour. Immediately upon the filing of the notice, the Secretary shall notify all members of the Council as provided in subsection (c) of this section.

(c) Whenever an additional or special meeting is called, the Secretary shall notify each member in writing not less than 24 hours prior to the additional or special meeting. The notice shall state the date, hour, place, and agenda of the meeting and may state whether items are to be considered on a consent or non-consent agenda. No matter shall be considered at an additional or special meeting except those stated in the request and notification. An additional or special meeting to consider an emergency matter may be called upon shorter notice, if a majority of the members agree in writing to the shorter notice.

304. QUORUM.

A majority of the members constitutes a quorum for the lawful convening of a Council meeting and for the transaction of business, except that a lesser number may hold hearings. A meeting shall not begin until a quorum is ascertained by the Chairman. After a quorum has been ascertained, the meeting shall proceed, unless a member raises the absence of a quorum, whereupon the Chairman shall direct the calling of the roll and shall announce the result. These proceedings shall be without debate, and until a quorum is present, no debate or motion shall be in order except to recess for 20 minutes to find absent members. After the recess, the roll shall be called again. If a quorum is present, the meeting shall proceed; if a quorum is not present, the meeting shall be adjourned.

305. MEETINGS OPEN TO THE PUBLIC.

All meetings of the Council at which official action is taken shall be open to the public. No resolution, rule, act, or other official action shall be effective unless taken, made, or enacted at an open meeting.

306. EXECUTIVE MEETINGS.

Upon the affirmative vote of a majority of the

members present and voting at a public meeting, the Council may conduct a meeting in an executive session to the extent permitted by section 305.

307. HEARING THE MAYOR.

The Mayor has the right to be heard by the Council upon request and at reasonable times set by the Council.

308. RECESS.

(a) Except as set forth in subsection (b) of this section, no bill or resolution, other than an emergency bill or emergency resolution to be considered at a special or additional meeting called pursuant to these Rules, may be introduced during a recess of the Council. No committee may take official action during a recess of the Council, except that, when specifically authorized to do so by a vote of a majority of the Council, a committee may hold a public hearing or roundtable. A notice of future committee action may be filed during a recess of the Council.

(b)(1) A proposed contract in excess of \$1 million during a 12-month period or a multiyear contract for goods or services that is required to be submitted to the Council pursuant to section 451 of the District Charter may be transmitted to the Office of the Secretary for the Council during the 30-day period prior to the end of the summer recess of the Council, a committee may hold a public hearing and take official action on the proposed contract in excess of \$1 million or multiyear contract during this period, and a member of the Council may introduce a resolution approving or disapproving a contract in excess of \$1 million or a multiyear contract during this recess period.

(2) A proposed federal-aid highway contract in excess of \$1 million during a 12-month period that is required to be submitted to the Council for its review pursuant to the District Charter may be transmitted to the Office of the Secretary to the Council during a recess of the Council, a committee may hold a public hearing and take official action on the proposed federal-aid highway contract during the recess, and a member of the Council may introduce a resolution approving or disapproving the proposed federal-aid highway contract during the recess and during the 10-day period following submission of the proposed federal-aid highway contract to the Council.

309. COUNCIL REVIEW OF CONTRACTS.

(a) Notwithstanding section 402(b) of these Rules, the time period for Council review of a proposed contract in excess of \$1 million during a 12-month period or a multiyear contract that is required to be submitted to the Council pursuant to the District Charter shall begin on the first day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office

of the Secretary to the Council. The Secretary to the Council shall ensure that a copy of the proposed contract is designated as urgent and circulated to the office of each member of the Council within 24 hours (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council.

(b) The submission of an annual capital program of federal-aid highway projects to the Council for review and approval and approval of the annual program is deemed as approval of the individual contracts that make up the annual program.

B. ORDER OF BUSINESS FOR MEETINGS.

311. ORDER OF BUSINESS FOR REGULAR MEETINGS.

Subject to section 313, the Council shall take up business in the following order unless a different order has been set for a particular meeting by action of the Committee of the Whole:

- (1) Call to order at the time and place set forth pursuant to section 302;
- (2) Moment of silence;
- (3) Determination by the Chairman of the presence of a quorum;
- (4) Presentation of ceremonial resolutions;
- (5) Secretary's report on the filing of reports by committees, unless the formal reading of the report is waived by unanimous consent;
- (6) Secretary's report of the introduction of new bills and proposed resolutions filed with that office, and the introduction by members of new bills and proposed resolutions by reading the short title, unless the formal reading of the report is waived by unanimous consent pursuant to section 405(c);
- (7) Approval of the consent agenda without objection by a member;
- (8) Reading by short title and votes on proposed ceremonial resolutions;
- (9) Final reading by short title of and final vote on bills that have been pending at least 13 days since they were previously read;
- (10) Reading by titles of reported and discharged bills, with a limitation on debate as provided in section 332;
- (11) Reading by short title of and vote on proposed resolutions except as provided in paragraph (8) of this section;
- (12) Reading by short title of and vote on resolutions declaring the existence of emergencies and accompanying emergency bills;
- (13) Reading by short title of and vote on temporary legislation;
- (14) Official communications received from the Mayor or an agency; and
- (15) Other business.

312. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS.

The Council shall take up business in the following order at an additional or special meeting:

(1) The Council shall be called to order at the time and place set forth in the notice of the meeting.

(2) The Chairman shall ascertain the presence of a quorum.

(3) If a quorum is present, the Council shall take up business in the order set forth in the meeting notice.

313. PROCEEDING OUT OF ORDER.

The Chairman, without objection, or upon the vote of a majority of the members present and voting, may take up any item of business out of order.

C. RULES OF DECORUM.

321. DECORUM OF MEMBERS.

(a) Members shall not engage in private discourse or commit any other act tending to distract the attention of the Council from the business before it.

(b) In debate a member must confine remarks to the question at hand, and avoid personalities.

(c) A member in referring to another member should avoid using the member's name, rather identifying that member by ward or at-large status, as the member who last spoke or by describing the member in some other manner.

(d) It is not the person but the measure that is the subject of debate, and it is not allowable to question or impugn the motives of a member, but the nature or consequences of a measure may be condemned in strong terms.

(e) The use of cellular telephones and pagers during meetings or public hearings in the Council Chambers or in any other place where Council committee meetings or public hearings are being conducted is prohibited.

322. DECORUM OF MEMBERS OF THE PUBLIC.

(a) The Chairman shall maintain order in the Council Chamber. If the Chairman determines that the removal of a person other than a member is necessary to maintain order, after warning the person, the Chairman may order the removal of the disorderly person.

(b) Unless permitted by the Chairman, no member of the public may enter the area designated as the well or the dais of the Council Chamber during an official meeting of the body.

(c)(1) No signs, placards, posters or attention devices of any kind or nature shall be carried or placed within the Council hearing or meeting rooms or Council Chamber. No demonstrations are permitted in the Council Chamber or any area in which a Council proceeding or a public hearing is being conducted. The use of cellular telephones and pagers during meetings or public hearings in the Council Chambers or in any other place where Council committee meetings or public hearings are being conducted is prohibited.

(2) This prohibition shall not apply to

armbands, emblems, badges or other articles worn on the personal clothing of individuals; provided, that such armbands, badges or emblems are of such a size and nature as not to interfere with the vision or hearing of other persons at a meeting nor extend from the body as may cause injury to another.

(3) Any person who shall violate the provisions of this subsection, relating to signs, or who shall willfully interrupt or disturb Council proceedings, after warning to desist may be removed from the premises.

(4) Models, photographs, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person in testimony before the Council shall be permitted.

(d) No person, except a member of the Council or Council staff, shall be allowed in the anterooms of the Council Chamber, during the course of any hearing or other proceeding of the Council or any committee of the Council, except upon invitation of the Chairman of the Council or the chairman of the committee holding the public meeting.

D. RULES OF DEBATE.

331. OBTAINING THE FLOOR.

A member who wishes to speak, give notice, make a motion, submit a report, or for any other purpose, shall address and be recognized by the Chairman before addressing the Council.

332. LIMITATIONS ON DEBATE.

(a) No member may be recognized more than one time to debate or make a motion relating to a pending matter until all members who wish to speak have been recognized.

(b) A member may speak no more than 5 minutes during the first round of debate on a pending matter, and no more than 3 minutes on a subsequent round.

(c) Debate may be limited by a motion to move the previous question approved by a majority of the members present and voting.

(d) Following approval of a motion to move the previous question, each member shall be entitled to not more than 2 minutes to debate the pending question and the bill or resolution cannot be further amended absent a motion to reconsider the motion to move the previous question.

(e) Debate on a pending matter may be closed and the matter put to an immediate vote by a motion to close debate approved by $\frac{2}{3}$ of the members present and voting. A motion to close debate shall not be in order unless all members desiring to be heard have had at least one opportunity to speak on the pending matter.

(f) A member may yield all or part of his or her time provided by this section to another member.

(g) A motion to move the previous question

or to close debate shall be in order only when a member has been recognized for the purpose of making such a motion.

(h) Motions to move the previous question or to close debate shall not be debatable.

(i) The Chairman may in his or her discretion modify time limitations with respect to specific matters scheduled for debate.

(j) The Chairman may designate a member as a floor manager for the proponents of a measure and a member as a floor manager for the opponents of such measure, giving preference to the committee chair or bill sponsor as the floor manager for the proponents of the measure. Equal time shall be allotted for debate by each side and a floor manager may reallocate his or her time to other members. The Chairman shall reserve a sufficient amount of time to allocate to members who neither support nor oppose the legislation at issue.

333. PERSONAL PRIVILEGE.

Any member, as a matter of personal privilege, may speak for a period of not longer than 10 minutes concerning matters which may affect the Council collectively, its rights, its dignity or the integrity of its proceedings, or the rights, reputation, or conduct of its individual members in their representative capacities only.

334. POINTS OF ORDER.

Points of order are debatable only at the discretion of the Chairman. If the Chairman permits debate, he or she has authority to limit it.

335. APPEAL.

An appeal may be taken from any decision of the Chairman. A member must state his or her reasons for appealing a decision, to which the Chairman may respond. Appeals must be acted upon immediately. An affirmative vote of $\frac{1}{2}$ of the members present and voting is required to sustain the Chairman.

336. EXTENSION OF REMARKS.

(a) A member, with the unanimous consent of the members present at any meeting, may revise and extend his or her remarks made at a meeting. No member may make an extension or revision of remarks which would cause another member's comments to be taken out of context. The official transcript of a meeting shall be annotated to indicate the extension or revision of remarks.

(b) Extensions of remarks must be filed with the Secretary within 2 days after the first transcript of the remarks have been received in the member's office. Saturdays, Sundays, and legal holidays shall not be included in computing time under this section.

337. RECOGNITION OF NON-MEMBERS.

The Chairman may recognize a member of the public or an employee of the District of

Columbia government if the participation of the person would, in the judgment of the Chairman, enhance the understanding of the matter under consideration by the Council. Recognition of a non-Councilmember during a legislative meeting shall be limited to situations in which emergency action by the Council is under consideration.

338. PRESENTATION OF CEREMONIAL RESOLUTIONS.

(a) Ceremonial resolutions may be presented from the well of the Council Chamber during legislative meetings by the member who introduced the resolution, or another member designated by the member introducing the resolution.

(b) During a Council Period, no Councilmember shall be permitted to present more than a total of eight ceremonial resolutions at legislative meetings, except that one member may yield his or her right to present ceremonial resolutions under this section to another member.

(c) No Councilmember shall be permitted to speak more than 2 minutes on each ceremonial resolution.

(d) No recipient of a ceremonial resolution shall be permitted to present a display or performance during a legislative meeting.

(e) No more than 1 recipient for each ceremonial resolution shall be permitted to speak during a legislative meeting.

339. EXPEDITED OPTIONAL PROCEDURE FOR REPROGRAMMINGS AND REVIEW RESOLUTIONS.

(a) This section shall apply to a resolution regarding a reprogramming request, and regulations and other actions that are:

(1) Proposed for promulgation or adoption by an entity other than the Council;

(2) Required by law to be approved, disapproved, or reviewed by the Council prior to taking effect; and

(3) Take effect after a set period of time by operation of law.

(b) A resolution covered by this section may, at the option of the committee chair, be placed on the non-consent agenda of the next legislative meeting following approval by a committee, without referral to the Committee of the Whole, if the committee report on the resolution is circulated by the committee chair to all members and the Secretary to the Council within 24 hours of the committee action and before noon of the day preceding the legislative meeting. If a reported resolution is considered at a legislative meeting without prior consideration at a Committee of the Whole meeting under this section, the legal sufficiency, technical compliance with the drafting rules of the Council, completion of the record of the reported resolution, and the sufficiency of the fiscal impact statement, shall be reviewed at

the legislative meeting at which it is considered.

(c) When a resolution covered by this section has been reported by the committee to which it was referred, and is scheduled for review in a work session of the Committee of the Whole as provided in section 231, the Chairman may convene a legislative meeting, to immediately follow the Committee of the Whole work session, solely to consider the resolution. A legislative meeting may be convened under this section by circulating the reported resolution and a notice, stating the date, hour, place and agenda for the meeting, at least 24 hours before the meeting. This section only applies where (1) the period of legislative review will expire before the next regular legislative meeting of the Council, or (2) it is necessary to approve or disapprove the resolution prior to the expiration of the review period.

E. MOTIONS.

341. MOTIONS RECOGNIZED DURING DEBATE.

When a question is under debate, the Chairman may entertain only the following motions, which shall take precedence in the order listed:

- (1) To adjourn;
- (2) To recess;
- (3) To reconsider;
- (4) To lay on the table;
- (5) To move the previous question;
- (6) To close debate;
- (7) To postpone to a day certain;
- (8) To recommit to committee;
- (9) To amend or substitute; or
- (10) To postpone indefinitely.

342. WITHDRAWAL OR MODIFICATION OF MOTIONS.

Any motion may be withdrawn or modified by the mover at any time before it has been amended or voted on.

343. AMENDMENTS TO BE WRITTEN.

(a) Members shall endeavor to file amendments to pending bills and resolutions in writing in the Office of the Secretary for circulation to members of the Council at least 24 hours preceding the legislative session at which they are to be moved.

(b) Prior to a vote on a measure, oral amendments shall be reduced to writing and read by the General Counsel.

344. NON-GERMANE AMENDMENTS.

Every amendment proposed to an emergency or temporary measure must be germane to the subject matter of the measure to be amended. A non-germane amendment to a bill requires 2 readings, must include a fiscal impact statement, and be approved by $\frac{2}{3}$ of the members present and voting. To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of or be in conflict with the spirit of the original

motion or measure and still be germane to the subject.

F. VOTING.

351. FORM OF VOTE.

Voting shall be in the form of "YES", "NO", and "PRESENT". A vote of "PRESENT" shall be deemed the equivalent of an abstention or a non-vote.

352. VOICE VOTES.

Except as provided in Rule 353, votes on all questions shall be by voice, with the results determined by the Chairman. A member's vote upon any matter shall be recorded upon request.

353. DEMAND FOR ROLL CALL VOTE.

Any member, in advance of a vote or promptly thereafter, may demand a roll call vote.

354. CALLING THE ROLL.

When a roll call vote is demanded, the Secretary shall call the roll of the members in rotating alphabetical order so that the member whose name is called first is the same member whose name was called second on the next previous vote, and so on through the roll, so that the member whose name is called last is the same member whose name was called first on the next previous vote.

355. RECORDS OF VOTES.

When a roll call vote is demanded, the Secretary will record the names of those voting "YES", "NO", or "PRESENT". Members will be recorded as absent if they are not in the chambers when a vote is taken. Voting records are official records of the Council.

356. PROXY VOTING PROHIBITED.

No proxy shall be permitted either for the purpose of voting or for the purpose of obtaining a quorum.

357. RECONSIDERATION.

(a) Any member recorded as having voted with the prevailing side on a question may move to reconsider the question at any time, except as limited by this section. An act may be reconsidered before it has been approved, deemed approved, or vetoed by the Mayor. A resolution may be reconsidered at any time prior to its implementation. A committee may reconsider its vote to report legislation at any time before the Council votes on the measure.

(b) For the purpose of this rule, any member who was present and voting on a question decided by a voice vote will be considered as having voted with the prevailing side on the question, unless the member had asked to be recorded as voting against the prevailing side or "PRESENT".

(c) A motion to reconsider cannot be made by a member who was absent during a voice or roll call vote on a question.

(d) A motion to reconsider requires the ap-

proval of a majority of the members present and voting.

(e) When a motion to reconsider a vote is defeated, it cannot be repeated.

(f) A motion to reconsider is not required to consider amendments to move, to strike, or to accept amendments accepted or rejected on a previous reading of a bill.

(g) Votes to approve or amend these Rules may not be reconsidered pursuant to this section.

358. SUMMONS OF MEMBERS

Upon the taking of a successful vote on a motion to close to debate, the Chairman may hold open the calling for the vote for a period of no longer than three minutes. During that time, all members who are absent from the Council Chamber shall be summoned. At the direction of the Chairman, the Secretary shall call the names of the members.

ARTICLE IV—LEGISLATION.

A. INTRODUCTION OF LEGISLATION.

401. WHO MAY INTRODUCE.

(a) Only members of the Council may introduce legislation for consideration by the Council.

(b) Any proposed legislation transmitted to the Council by the Mayor or an independent agency submitted in appropriate form and in compliance with these Rules shall be introduced by the Chairman, at the request of the Mayor or independent agency. Any bill or resolution proposed by the Mayor or an independent agency shall be delivered to the Office of the Chairman before one o'clock P.M. on the regular work day preceding any meeting of the Council as a prerequisite to its introduction or consideration at such meeting. All legislation from the Mayor or an independent agency, shall be transmitted to the Council by diskette and hard copy. The Secretary to the Council shall determine whether the proposed legislation is in appropriate form and may return any proposed legislation that is not in appropriate form to the Mayor or independent agency.

402. MANNER OF INTRODUCTION.

(a) Members of the Council may introduce bills and resolutions either by:

(1) Reading the short title of the bill or resolution during the period of a legislative meeting or a work session of the Committee of the Whole designated for introductions and immediately providing the Secretary with the signed original of the bill or resolution; or

(2) Filing the signed original of the bill or resolution in the Office of the Secretary during normal business hours.

(b) Unless specifically provided otherwise by law, no matter transmitted for a period of Council review prior to its taking effect shall be deemed transmitted to the Council or the Chairman, and no time period for Council re-

view shall begin to run until the matter has been formally introduced by the Chairman at a legislative session or work session of the Committee of the Whole.

(c) Whenever proposed legislation would require the Secretary to transmit its text or anything associated with the text to a person or organization, the sponsor of the legislation shall provide the Secretary with the last known address of the proposed recipient.

403. INTRODUCTION OF EMERGENCY LEGISLATION.

Emergency legislation and resolutions declaring the existence of emergency circumstances may be introduced as provided in section 402 or may be introduced at a meeting called to consider the emergency legislation.

404. INTRODUCTION OF AUTHORITY RECOMMENDATIONS.

(a) Upon receipt of a recommendation by the Chairman of the Council from the District of Columbia Financial Responsibility and Management Assistance Authority ("Authority"), made pursuant to section 207 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; D.C. Code § 47-392.7) ("FRMAA"), the recommendation will be files in the Office of the Secretary. A number shall be assigned and the Secretary to the Council shall ensure that a copy of the recommendation is circulated to the office of each member of the Council within 24 hours (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary.

(b) The Secretary to the Council shall send a record of receipt to the Authority indicating that the 90-day period for Council response to the recommendation will commence when the recommendation is officially noted on the Secretary's Log of Introduction at the next Legislative or Committee of the Whole meeting.

(c) A notice of the recommendation will be contained on the Secretary's Log of Introductions to be read at the next Legislative or Committee of the Whole meeting scheduled following its receipt by the Chairman.

(d) When a recommendation is introduced in the Council, it shall be retained by the Council and referred for comments to the appropriate standing committee.

(e) The Office of the General Counsel shall review each recommendation and provide comments to the appropriate standing committee.

(f) The 90-day period provided in section 207 of FRMAA for the Council to respond to the recommendation shall begin to run the day following its introduction at a legislative session or Committee of the Whole work session.

(g) The standing committee to which the recommendation has been referred for comments shall issue a committee report within 60 days from the date of introduction and file a

report containing the committee's recommended response in the Office of the Secretary. The Office of the Secretary shall circulate a copy of the committee's report to each member of the Council within 24 hours (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary.

(h) The committee report on the recommendations shall be placed on the agenda for the next Committee of the Whole work session.

(i) The Committee of the Whole shall consider the committee report on the recommendation of the Authority. The committee report may be amended at the Committee of the Whole work session.

(j) The Committee of the Whole shall file a report on the Council's response to the Authority's recommendations as adopted by the Committee of the Whole, prior to the expiration of the 90-day response period, in the Office of the Secretary. The Office of the Secretary shall transmit the report adopted by the Committee of the Whole to the President, Congress, and Authority. Any legislation needed to implement the recommendations shall be transmitted to the Authority in accordance with the normal legislative process.

(k) The Office of the General Counsel shall provide written notification to the Chairman if the standing committee fails to act within the 60-day period provided in subsection (g) of this section. If this occurs, the Chairman shall direct the staff of the Committee of the Whole to prepare a report responding to the recommendation for consideration at the next Committee of the Whole work session.

405. READING INTRODUCTIONS.

(a) At each legislative meeting of the Council and work session of the Committee of the Whole, during the period designated for introductions, the Secretary shall read the short titles of bills and proposed resolutions which were introduced, pursuant to section 402(a)(2), between the previous reporting period and the Thursday preceding the legislative or Committee of the Whole work session, giving the numbers assigned as provided in section 444, and the committee assignments as provided in section 406.

(b) Bills and proposed resolutions may not be debated or amended when they are read for introduction, but it is in order for a member to take exception to a committee assignment.

(c) The formal reading of the Secretary's report as provided in subsection (a) of this section may be waived by unanimous consent.

(d) Notwithstanding other provisions of this section, a member may raise questions regarding committee assignments of legislation included in the Secretary's report without a formal reading of the entire Secretary's report.

406. COMMITTEE ASSIGNMENT.

(a) When a bill or proposed resolution is introduced prior to a legislative session or Com-

mittee of the Whole work session, the Chairman shall assign it to the appropriate committee or committees according to the standards of germaneness, unless the Council retains the measure. When a bill or proposed resolution is introduced at a legislative or Committee of the Whole work session, the Chairman may provisionally assign the bill to a committee or committees. If the Chairman does not assign the bill or proposed resolution to another committee or committees within 72 hours, the assignment shall be deemed official at the end of the 72-hour period. If the Chairman assigns the bill or proposed resolution to another committee, the new assignment shall not become official until the next regularly scheduled legislative meeting or Committee of the Whole work session. The Chairman may assign a bill or proposed resolution for comments at any time.

(b) The Chairman may assign a bill or resolution to 2 or more committees for sequential consideration of all or part of the measure, and may assign all or parts of the measure to other committees for comments.

(c) The Chairman may reassign a bill or resolution from 1 committee to another committee, except that the reassignment shall not become official until it has been noted in a legislative meeting or Committee of the Whole work session where the reassignment may be appealed in the same manner as any other decision of the Chairman.

(d) The Chairman's decisions on committee assignments may be appealed in the same manner as other decisions of the Chairman.

(e) A committee may not consider a bill or proposed resolution until the assignment is deemed official. An assignment is official once members of the Council have had an opportunity to object to the committee assignment at a legislative session or Committee of the Whole work session. This subsection shall not apply to matters referred to the Committee of the Whole, if referral to the Committee of the Whole is required by these Rules.

407. COMMENTS BY EXECUTIVE BRANCH.

The Executive Branch may comment on any bill or resolution. Unless otherwise required by law, neither the Council nor a committee must wait for Executive Branch comments before considering the measure.

408. WITHDRAWAL OF LEGISLATION.

(a) Whenever a rule, regulation, or resolution is proposed for promulgation by an entity other than the Council and is required by law to be approved, disapproved, or reviewed by the Council prior to its taking effect and would take effect automatically by operation of law, the proposal may be withdrawn formally by the proposer prior to final Council action or, if the Council takes no action, prior to any time limit imposed by law. The withdrawal shall render the original proposal a nullity as if it were

never proposed. These proposed rules, regulations, and resolutions may be withdrawn only by written request transmitted to the Chairman.

(b) Whenever a measure is introduced by a member of the Council, it may be withdrawn formally by the introducer at any time before any action has been taken by the Committee to which it has been assigned (i.e., hearing, markup, or vote). The withdrawal shall be in writing and transmitted to the Secretary of the Council for circulation to the members. The withdrawal shall render the original proposal a nullity as if it were never proposed.

(c) Without objection, a committee chairperson may withdraw, one time only, a measure reported by that committee from Council consideration until the next regularly scheduled meeting.

B. COUNCIL APPROVAL.

411. CONSENT AGENDA.

The Chairman shall prepare a consent agenda for each legislative session which shall include bills and resolutions that the Chairman believes will be adopted by unanimous vote. The consent agenda shall be approved by the Committee of the Whole at its work session immediately preceding the legislative session for which the agenda was prepared. The chair of a committee may amend the committee print of a bill or resolution without removing the bill or resolution from the consent agenda, if the amendment is delivered to the Secretary at or before the Committee of the Whole meeting and circulated at the Committee of the Whole meeting. Any member may strike a bill or proposed resolution from the consent agenda at the Committee of the Whole meeting or at the legislative meeting prior to the vote on the consent agenda. Bills and resolutions removed from the consent agenda shall be considered as provided in section 311. Prior to the vote on the consent agenda at a legislative meeting, and without objection from any other member, a member may request that a measure printed on the non-consent agenda be moved to the consent agenda. Legislation remaining on the consent agenda shall be approved by the Committee of the Whole and shall be considered at the legislative session as provided in section 311. Approval of the consent agenda during the legislative session will include the unanimous approval of all matters included in the consent agenda. If a member asks for his or her vote to be recorded on a particular measure, the measure shall not be included on the consent agenda.

412. EMERGENCY LEGISLATION.

(a) Where it is proposed that a bill be passed immediately due to emergency circumstances, the Council may debate the question of the existence of an emergency and then shall vote on whether emergency circumstances exist. If

2/3rds of the members of the Council find that emergency circumstances exist, the Council shall consider the bill on its merits.

(b) For purposes of this Rule, an "emergency" means a situation that adversely affects the health, safety, welfare, or economic well-being of a person for which legislative relief is deemed appropriate and necessary by the Council, and for which adherence to the ordinary legislative process would result in delay that would adversely affect the person whom the legislation is intended to protect.

(c) Emergency legislation shall take effect, according to its terms, either immediately or at a specific time. Pursuant to section 412(a) of the Charter, emergency legislation shall be effective law for not more than 90 days.

413. TEMPORARY LEGISLATION.

If the Council finds the existence of an emergency and approves an emergency bill under section 412, the Council may, at the same legislative session, consider a temporary bill on first reading without committee referral. The temporary bill must be substantially similar to the emergency bill and may remain effective for not more than 225 days.

414. DISCHARGE.

The Council, by a vote of a majority of the Council, may discharge a committee from further consideration of a measure that has been assigned to the committee. Upon approval of the discharge motion, the Council shall consider the bill or resolution as if it had been reported from the committee without amendment or modification or reassign the measure to another committee.

415. VETOED LEGISLATION.

Whenever an act of the Council is disapproved by the Mayor and returned to the Council pursuant to section 404(e) of the Charter, the disapproved act shall be the property of the full Council. The Chairman may solicit comments or recommendations on the disapproved act from a committee or committees. A member may move for the Council to reenact the disapproved act prior to the 30-day Council review period provided in section 404(e) of the Charter.

C. NOTICE AND PUBLICATION OF INTENDED ACTIONS.

421. NOTICE TO MEMBERS.

The Secretary shall distribute, upon introduction, a copy of each measure to each member and, upon referral, to each committee to which the measure is assigned. The Secretary shall also distribute to each member, upon introduction or filing, a copy of each notice of public hearing or roundtable, notice of investigation by subpoena, and Mayoral disapproval of a Council act.

422. GENERAL NOTICE BY PUBLICATION OF INTENDED ACTIONS.

(a) Except as provided in these rules, 15

days notice by publication in the District of Columbia Register is required prior to:

- (1) Council adoption of a bill or resolution; and
- (2) The conduct of a legislative or investigative hearing.

(b) No prior notice by publication is required for the adoption of a ceremonial resolution, an emergency bill or resolution, a resolution declaring an emergency, or a resolution adopting Council Rules, appointing Council officers and committee chairpersons and members, or pertaining to the internal operation or organization of the Council.

(c) The Council or a committee may recess and reconvene at a future time or place to complete a scheduled hearing without additional notice by publication in the District of Columbia Register.

423. PERSONAL SERVICE OR ACTUAL NOTICE.

Notice by publication is not required if all persons subject to an intended action are named, and in accordance with law, either are served personally or have actual notice of the Council's intended action.

424. ABBREVIATED NOTICE.

Less than 15 days notice of intended action or a hearing on a bill or resolution may be given upon good cause found and published with the notice.

425. METHODS OF NOTICE.

Where not otherwise required by these Rules or other provisions of law to be done in specific fashion, notice of intended actions, hearings, or meetings may be given by:

- (1) Publication in the District of Columbia Register;
- (2) Publication in one or more newspapers of general circulation;
- (3) Mailing notices to a mailing list of organizations and individuals established and maintained by the Secretary;
- (4) Use of other news media;
- (5) Posting notice in a prominent place in the John A. Wilson Building and other public buildings or posting places; or
- (6) Facsimile;
- (7) E-mail; or
- (8) In any other manner directed by the Council.

426. NOTICE OF EMERGENCY ACTIONS.

(a) When an emergency bill or resolution is to be considered, a notice which includes a statement of the reasons for the emergency and the intended effect of the emergency bill or resolution shall be circulated to all members and the Secretary at least by noon on the third day, excluding weekends and holidays, before the legislative meeting at which the emergency action is to be considered, unless the nature of the emergency precludes such notice. If the nature of the emergency precludes the notice,

the sponsor of the legislation shall ensure that members have notice at the earliest possible time prior to the meeting at which the emergency legislation is to be considered.

(b) A draft of the emergency bill or resolution shall be circulated to all members and the Secretary at least 24 hours before the legislative meeting at which the emergency action is to be considered, unless due to the nature of the emergency the measure could not be circulated within the time limit. If the nature of the emergency prevents the circulation of the measure within 24 hours of the legislative meeting, the draft bill or resolution shall be circulated to the members of the Council and the Secretary at least one hour before the scheduled time of the legislative meeting.

(c) Notwithstanding the provisions of subsection (a) of this section, public notice of intended emergency action shall be given prior to adoption of an emergency bill or resolution by at least one method provided in section 425.

427. NOTICE OF TEMPORARY LEGISLATION.

(a) Each temporary bill adopted pursuant to section 413, shall be circulated with the accompanying emergency legislation in accordance with section 426. Following approval on first reading, a notice of intent to adopt the temporary bill on second reading shall be published in the District of Columbia Register.

(b) When temporary legislation is to be considered under section 413, the notice of emergency legislation under section 426 shall include notice of the temporary legislation.

428. NOTICE OF CEREMONIAL RESOLUTIONS.

Each ceremonial resolution shall be circulated to members and the Secretary to the Council by noon of the day prior to the legislative meeting at which it is to be considered.

429. NOTICE AND PUBLICATION OF ADOPTED LEGISLATION.

Each act and resolution adopted by the Council shall be filed in the Office of the Mayor for publication in the District of Columbia Register. Except as provided in D.C. Code § 1-1602, no act or resolution shall become effective until after its publication. Once notice by publication has been given in accordance with this section, no additional notice by publication is necessary for an act completing Congressional review to become effective law as provided in section 602 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233).

D. LEGISLATIVE RECORDS.

441. RESPONSIBILITY FOR RECORDS.

(a) The Secretary shall maintain accurate and up-to-date Council records, described in sections 445 and 446, and shall make the records available to the public.

(b) Each committee shall make records on legislation assigned to the committee and on other committee activities and shall file the records with the Secretary as required by these Rules. When the records are in the custody of the committee, the committee shall make them available to the public.

(c) Whenever the Secretary receives a request for information about the operation of the office or intra-office budget expenditures of a particular member, the Secretary shall immediately notify the affected member of the request by providing the member with a copy of the request. Before complying with the request the Secretary shall seek the opinion of the General Counsel on the legality and propriety of disclosing the requested information.

442. FORM FOR INTRODUCTIONS.

(a) Every bill and proposed resolution shall be introduced in typewritten form, signed by the member introducing it, include a long title that identifies the subject matter of the measure, and be in substantial compliance with the form required for final adoption. The Secretary to the Council shall make the determination as to whether the bill or proposed resolution complies with this subsection.

(b) Co-sponsorship of a bill or a proposed resolution shall be evidenced by the signature of the co-sponsor on the face of the measure. Co-sponsorship shall be permitted up to the close of business the day following the legislative meeting or Committee of the Whole work session at which the measure was officially referred or by indication on the record at the legislative meeting.

443. REPORTS ON LEGISLATION.

(a) Each bill or resolution shall be accompanied by a draft report when it is considered by a committee, unless the committee votes to waive this requirement for a particular bill or resolution. In the event of a waiver, the committee shall vote on the draft report at a regularly scheduled, additional, or special meeting of the committee before filing the report and the reported bill or resolution with the Secretary.

(b) Each adopted report on a bill or resolution shall be in writing, signed by the committee's chairperson, accompanied by the final bill or resolution, and contain the following information regarding the reported legislation:

- (1) A statement of its purpose and effect;
- (2) A chronology of action, including the date of introduction, public hearings or roundtables, date and description of any action taken at a committee meeting;
- (3) A detailed section-by-section analysis of its provisions;
- (4) A fiscal impact statement as provided in subsection (c) of this section;
- (5) An analysis of the impact on existing provisions of law that it would modify or affect;
- (6) Dissenting, separate, and individual views of committee members, if members de-

manded the opportunity to state their views;

(7) Any additional information that the committee directs to be included;

(8) A record of the results of a voice vote or, if a roll call, the votes to adopt the legislation and the motion to adopt the report; and

(9) Any recorded votes on amendments to the bill.

(c) Except for emergency declaration, ceremonial, confirmation, and sense of the Council resolutions, no bill, resolution, or amendment to a bill or resolution may be enacted or approved by the Council without a Council fiscal impact statement and worksheet, if applicable, which has been reviewed and approved by the Council Budget Director in the measure, committee report, presented to the Council, at the time or its consideration. The Council fiscal impact statement shall include the estimate of the costs which will be incurred by the District as a result of the enactment of the measure in the current and each of the first 4 fiscal years for which the act or resolution is in effect, together with a statement of the basis for such estimate. The statements shall include the following:

(1) A general statement of the effects the measure will have on the operating and capital budgets for the current and next 4 fiscal years;

(2) A quantitative estimate of the expenditures needed to implement the measure;

(3) An identification of the revenues and funds currently available, or likely to be available from existing revenue sources to implement the measure, if it is to be implemented within the current fiscal year;

(4) A statement on the extent to which current appropriations are available to finance implementation of the measure, if it is to be implemented within the current fiscal year; and

(5) An identification of the specific funding source to be recommended in the forthcoming fiscal years to implement the measure, if the cost of implementation is estimated to exceed \$100,000 in that fiscal year.

(d) Each report prepared by the Committee of the Whole on a Council appointment to another body and each report prepared by another committee on a confirmation shall include a current resume of the nominee.

(e) A committee chairperson shall file a reported bill or resolution with the Secretary within 20 days, excluding Saturdays, Sundays, legal holidays, and recesses of the Council, of committee action on the bill or resolution unless the committee votes to reconsider the bill or resolution.

(f) The Secretary to the Council shall make a determination as to whether the reported bill or proposed resolution and the report on the bill or proposed resolution comply with this section.

444. IDENTIFICATION OF COUNCIL DOCUMENTS.

(a) Legislative documents shall be identified

by a name that describes the type of document and a two-part document number.

(b) Legislative documents shall be identified by the following names:

(1) A bill, whether permanent, temporary, or emergency, shall be known as a "Bill";

(2) A resolution, before its adoption, shall be known as a "Proposed Resolution";

(3) An enacted bill signed by the Mayor, a bill vetoed by the Mayor and approved by members of the Council, or an approved initiative certified by the Board of Elections and Ethics shall be known as a "District of Columbia Act";

(4) An adopted resolution shall be known as a "Resolution";

(5) A ceremonial resolution, whether proposed or adopted, shall be known as a "Ceremonial Resolution";

(6) An act that has taken effect following the 30-day Congressional review period shall be known as a "District of Columbia Law";

(7) A proposed reorganization plan shall be known as a "Reorganization Plan";

(8) A request for a reprogramming shall be known as a "Reprogramming Request";

(9) A proposed state plan shall be known as a "Proposed State Plan";

(10) A request for a grant application approval shall be known as a "Grant Application Request"; and

(11) A request for a non-offsetting budget modification shall be known as a "Non-offsetting Budget Modification Request".

(c) The Secretary shall assign two-part numbers to Council documents identified in subsection (b) of this section in the order of introduction, filing, adoption, or approval. The first part of the number consists of the current Council Period, and the second part consists of a consecutive serial number beginning with the number "1" in each Council Period.

(d) A report on a measure or a topic shall be titled as a "Report on _____" (with the name to be filled in as appropriate under subsection (b) of this section). Titled reports shall be further identified by (1) a number corresponding to the number, if any, assigned to a measure; or (2) if the report is not on a measure, a sequential number preceded by the year filed.

445. LEGISLATIVE FILES.

The Secretary shall maintain an official file on each bill and proposed resolution, which shall include the original of the following:

(1) The introduced version of the bill or proposed resolution;

(2) Any recordings, transcripts, or items submitted for the record of hearings on the legislation;

(3) The committee report on the legislation;

(4) Files transmitted from the committee regarding committee consideration of the bill or resolution;

(5) Any amendments to the bill or proposed resolution presented in legislative meetings;

(6) The engrossed and enrolled versions of the legislation;

(7) Records of the publication and notice given of Council consideration of the legislation; and

(8) Records of the official transmittal of the legislation to the Mayor, to Congress, or other agencies or entities as required by law or the legislation.

446. OTHER OFFICIAL RECORDS.

The Secretary shall maintain other official Council records, including, but not limited to the following:

(1) Transcripts and recordings of all legislative meetings;

(2) Tape recordings and minutes of all committee meetings;

(3) Tape recordings and documents submitted for the record of all legislative hearings;

(4) Tape recordings and documents submitted for the record of investigative hearings, recordings and transcripts of depositions and other testimony taken in connection with investigations, and reports of investigations; and

(5) Any other document or record required by law or these Rules to be filed with the Council or with the Secretary.

447. RECORDS OF LEGISLATIVE MEETINGS.

A written transcript or a transcription shall be kept for all meetings at which official action is taken. Members shall have 30 days from the date a written transcript is prepared within which to correct grammatical and other errors in transcribing the member's statements made in the session. Questions regarding the application of this provision shall be resolved by the General Counsel.

448. PUBLIC ACCESS TO RECORDS.

Unless public access is restricted pursuant to section 504, copies of official Council records shall be available for public inspection during normal business hours and shall be available for reproduction and distribution to the public upon request. The Secretary shall establish a schedule of charges for reproduction of documents and recordings, which shall not exceed the total cost of the reproduction. The Secretary may waive charges in cases of financial hardship.

449. EFFECT OF END OF COUNCIL PERIOD.

(a) A bill or resolution that has not been finally adopted by the Council before the end of the Council Period in which it was introduced lapses without prejudice to its reintroduction in a subsequent Council Period. If temporary legislation has been passed on first reading pursuant to section 413 at the last legislative session in a Council Period, it may be consid-

ered on final reading during the next Council Period. A matter that has been transmitted by the Mayor or an independent agency for a designated period of Council review, that is pending at the end of a Council period, shall be in the same status it was at the end of the prior Council period and the legislation assigned a new number. If notice required by these Rules has been given in the prior Council period, no additional notice shall be required prior to action on the matter.

(b) Legislation that has been finally adopted by the Council during one Council Period shall not lapse simply because any of the following occurs in a subsequent Council Period: it is approved or vetoed by the Mayor, approved by operation of law, reenacted after a veto, submitted to referendum, or transmitted to Congress.

(c) Records of measures that lapsed at the end of a Council Period may be incorporated by reference in the records of substantially similar bills or resolutions considered in a later Council Period.

450. TRANSMISSION OF ACTS.

The Chairman shall transmit adopted acts to the Mayor and enacted acts to the United States Senate and the United States House of Representatives as required by the Charter.

451. COMMITTEE RECORDS.

Whenever there is a change in the chairperson of a committee, the incumbent committee chairperson shall ensure that official committee files and records are maintained and transmitted to the in-coming committee chair.

ARTICLE V—HEARING PROCEDURES.

A. PROCEDURES FOR HEARINGS.

501. AUTHORITY TO CALL HEARINGS.

(a) The Council shall hold a hearing when required by law and may hold a hearing on any matter relating to the affairs of the District. A Council hearing may be called by the Chairman or the Council.

(b) A committee of the Council shall hold a hearing when required by law and may hold a hearing on any matter relating to the affairs of the District that is properly within the committee's jurisdiction as provided in these Rules.

(c) Unless a hearing is required by law or regulation, a committee may hold a roundtable on any matter relating to the affairs of the District that is properly within the committee's jurisdiction as provided in these Rules. A roundtable shall comply with the hearing requirements set forth in this Article. A committee shall not be required to meet the notice requirements of section 422(a)(2) to hold a roundtable, but shall comply with the notice requirements of section 421.

502. QUORUM.

One member of the Council, for the Council, or 1 member of a committee, for the committee,

shall constitute a quorum for the purpose of holding a hearing.

503. PARTICIPATION BY MEMBERS.

(a) Each member may participate in hearings of the Council or of a committee, without regard to whether the member is a member of the committee conducting the hearing.

(b) Each member has a maximum of 10 minutes to question each witness until after each member has had an opportunity to question the witness.

504. OPEN TO PUBLIC.

(a) All hearings shall be open to the public unless, upon good cause shown, a majority of the Council or a committee approves the convening of a hearing in an executive meeting.

(b) Except as provided in subsection (c) of this section, all testimony taken and evidence received in an executive meeting shall be confidential and shall not be released to the public.

(c) Upon good cause shown and after notice as provided in this subsection, a majority of the Council or Committee members may approve the release of testimony or evidence received in an executive meeting. Ten days prior to the release of testimony or evidence under this subsection, the Council or committee must notify, in writing, the affected witness that the Council or committee intends to release the testimony or evidence. Prior to the expiration of the 10-day period, the affected witness may request, in writing directed to the presiding Council or committee member, and the Council or committee may consider withholding the testimony or evidence described in the notice.

(d) If a committee, in the publication of notice of a public hearing, sets a deadline before which a member of the public must contact the committee to be permitted to be a witness at the public hearing, then at the time that the public hearing is held, each member of the public who complied with the committee's requirements shall be given an opportunity to testify.

505. EXTENSION OF REMARKS.

(a) A member, with the unanimous consent of the members of the Council or Committee holding a hearing who are present at the hearing, may revise and extend his or her remarks made at the hearing. No member may make an extension or revision of remarks that would cause another member's comments to be taken out of context. The official transcript of a hearing shall be annotated to indicate the extension or revision of remarks.

(b) The extension of remarks must be filed with the Secretary within 2 days after the first transcript of the remarks have been received in the member's office. Saturdays, Sundays, and legal holidays shall not be included in computing time under this section.

506. RECESS.

A hearing may be recessed at any time by the member presiding over the hearing.

B. RECEIVING TESTIMONY.

511. QUESTIONING WITNESSES.

Witnesses may be questioned by members of the Council or committee and, with the consent of the Chairman or presiding member, by authorized Council or committee staff, or counsel advising the Council or committee.

512. DECORUM OF WITNESSES.

(a) A witness may address a member only through the presiding member.

(b) A witness shall confine his or her remarks to the question under discussion and shall avoid making negative personal comments.

(c) The presiding member shall maintain order in the hearing and, after issuing a warning, may order the removal of a disorderly member of the public as provided in section 322.

C. RIGHTS OF WITNESSES.

521. RIGHT TO COUNSEL.

Any witness who appears before the Council or a committee has the right to be represented by counsel.

522. RIGHT TO MAKE OPENING STATEMENT.

Any witness testifying at a hearing of the Council or a committee may submit an opening statement, which shall be placed in the record of the hearing. The presiding member may permit the witness to read his or her statement at the hearing.

ARTICLE VI—INVESTIGATIONS AND SUBPOENAS.

A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS.

601. RESOLUTION AUTHORIZING THE USE OF SUBPOENAS IN AN INVESTIGATION.

(a) In order to use subpoenas to obtain testimony or documents, the Council shall adopt a resolution authorizing an investigation by the Council or a special committee.

(b) In order to use subpoenas to obtain testimony or documents, a committee must adopt a resolution of the committee authorizing an investigation subject to the limits of section 501. This resolution must be filed in the Office of the Secretary.

(c) A resolution authorizing an investigation under this section shall delineate the purpose of the investigation and the subject matter to be investigated to afford witnesses adequate notice of the scope of the inquiry.

602. NOTICE OF INVESTIGATION.

Pursuant to section 422, the Secretary shall publish a notice of each investigation authorized under section 601 in the District of Columbia Register, which notice shall include a copy or description of the resolution authorizing

the investigation and the date the resolution was filed in the Office of the Secretary.

603. REPORT OF INVESTIGATION.

(a) Within 90 days of the conclusion of an investigation under this article, a committee shall submit to the Council the results of the investigation, unless the Council, by majority vote of the members present and voting, extends the time limit.

(b) The committee, by a majority of the members present and voting, may vote not to release all or part of its report. The Council, by a majority of members present and voting, may direct a committee to release its report under terms that the Council sets.

604. TESTIMONY UNDER OATH.

A witness may be affirmed or sworn to give truthful testimony.

605. ISSUING THE OATH.

Any person authorized by law may issue an oath or affirmation to a witness.

606. DEPOSITIONS.

The Council or committee may authorize a member, committee staff, or counsel advising the committee to take the testimony of witnesses by oral or written depositions.

B. SUBPOENAS.

611. ISSUANCE OF SUBPOENAS.

The Council, any standing committee of the Council, and, if authorized by the Resolution establishing it, any special committee, may subpoena the attendance and testimony of witnesses and the production of documents and other tangible items at meetings, hearings, and depositions in connection with an investigation. Subpoenas shall be issued in the form set forth in Appendix A, and, except as provided in section 613(b), shall be served not less than 5 business days prior to the return date.

612. REPORT TO SECRETARY REGARDING USE OF SUBPOENA.

Prior to issuing a subpoena, a standing or authorized special committee shall submit a report to the Secretary to the Council outlining the nature and scope of the investigation and the type of information sought through the use of the subpoena.

613. SERVICE OF SUBPOENAS.

(a) Except as provided in subsection (b) of this section, subpoenas shall be served personally on the witness or his or her designated agent in 1 of the following ways, which may be attempted concurrently or successively:

(1) By a special process server, at least 18 years of age, designated by the committee or the Council from among the staff appointed by the Secretary who are not directly involved in the investigation; or

(2) By a special process server, at least 18 years of age, engaged by the committee or the

Council for this purpose.

(b) If, after a reasonable attempt, personal service on a witness or witness' agent cannot be obtained, a special process server identified in paragraphs (a)(1) or (2) of this section may serve a subpoena by registered or certified mail not less than 8 business days prior to the return date.

614. ENFORCEMENT OF SUBPOENAS.

A committee may refer to the Council any case of contumacy by a person subpoenaed to appear before the committee. The Council, by resolution, may refer any case of contumacy by any person subpoenaed by the Council or a committee to the Superior Court of the District of Columbia as provided in section 413 of the Charter (D.C. Code § 1-234(b)).

C. RIGHTS OF WITNESSES.

621. RIGHT TO ASSERT PRIVILEGES.

(a) A witness has the right to refuse to answer a question that might tend to incriminate him or her by claiming his or her Fifth Amendment privilege against self-incrimination, other Constitutional privileges or statutory or common law privileges recognized in the Superior Court of the District of Columbia.

(b) If a witness asserts a privilege, the presiding member shall inquire into the witness' reasons for claiming the privilege. If the presiding member determines that the claim of privilege is not warranted, he or she shall direct the witness to answer the question. A witness' continued claim of privilege in the face of an order by the presiding member to answer a specific question constitutes contumacy by the witness.

622. NOTIFICATION OF RIGHTS.

Where a witness under subpoena is not represented by counsel, the presiding member shall advise the witness of his or her privilege against self incrimination.

623. RIGHT TO TRANSCRIPT.

A witness under subpoena is entitled to receive, at the cost of producing it, a written transcript or a transcription of his or her testimony in connection with an investigation.

624. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS.

Any person who is the subject of an investigation authorized under section 601 may submit written questions for the cross-examination of other witnesses at public hearings called by the Council or a committee. With the consent of the members present and voting, the questions may be put to the witness by a member, by an authorized staff member, or by counsel advising the Council or a committee.

625. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS.

Any person, who is named or specifically identified in connection with an investigation

and who believes that the testimony or other evidence or comment by a member of the Council or a committee or its staff does not comport with the truth, may file a sworn statement of facts relevant to the testimony or other evidence or comment complained of.

ARTICLE VII—BUDGET PROCEDURES.

A. BUDGET REVIEW PROCEDURES.

701. ROLE OF THE COMMITTEE OF THE WHOLE.

The Mayor's annual budget request for the District government and any supplement or amendments to the budget submitted to the Council pursuant to section 442(a) of the Charter (D.C. Code § 47-301(a)) shall be assigned to the Committee of the Whole.

702. BUDGET REVIEW SCHEDULE.

The Council Budget Director, at the direction of the Chairman, shall prepare a budget review schedule that includes a hearing schedule, establishes dates for closing hearing records and for submitting and filing reports, and schedules other Council budget activities as necessary or appropriate. The budget review schedule shall be presented to the Committee of the Whole for approval.

703. ROLE OF COUNCIL COMMITTEES.

(a) Each standing committee shall be responsible, in accordance with the budget review schedule, for reviewing the budget requests for agencies within its purview, including but not limited to:

(1) Holding public hearings on the proposed budget requests of agencies under the committee's purview and receiving testimony on those budget requests from agency representatives, Advisory Neighborhood Commissions, other organizations, and private citizens;

(2) Recommending funding and personnel levels for each agency under the committee's purview;

(3) Recommending appropriations language changes;

(4) Identifying, for agencies under the committee's purview, any additional budget needs not included in the committee's recommendation under paragraph (2) of this subsection, for which funding is sought;

(5) Identifying legislative actions required to implement committee budget recommendations; and

(6) Identifying issues for further analysis by the Mayor pursuant to section 442(a)(6) of the Charter (D.C. Code § 47-301(a)(6)).

(b) Each committees shall file, in accordance with the budget review schedule, the original committee markup and report with the Committee of the Whole. No committee shall file markups or reports that results in a net increase in the total amount of the budget request for all agencies under its purview, unless that markup or report also identifies additional

revenue sources, additional budget reductions, or both, sufficient to provide funding for the increase. No committee may identify, as the source of funding for a net increase it may recommend, a reduction made by another committee that has been specifically earmarked for another use by the committee making the reduction.

704. COMMITTEE OF THE WHOLE CONSIDERATION OF BUDGET REQUEST.

(a) The Council Budget Director, at the direction of the Chairman, upon receipt of committee reports and markups, shall prepare a summary of committee recommendations for presentation to the Committee of the Whole. This summary shall also include a comparison of the budget levels recommended by committees with any revenue level recommended by the Council Budget Director, at the direction of the Chairman.

(b) The Council Budget Director, at the direction of the Chairman, shall refer any additional budget reductions recommended by a committee pursuant to section 703(b) to the committee having purview over the agency affected by the additional budget reduction for review and comment.

(c) The Committee of the Whole shall meet to consider committee reports, recommendations, and comments, and the Chairman's recommendations, if any, and shall proceed to mark up the Mayor's budget request. No amendment shall have the effect of putting the budget out of balance. The Council Budget Director, at the direction of the Chairman, shall prepare a draft report and act reflecting the Committee of the Whole action.

705. COUNCIL CONSIDERATION OF THE BUDGET REQUEST.

Following the markup and report on the full budget request by the Committee of the Whole, the reported budget request shall be presented for a single reading at the next legislative meeting or additional meeting called by the Chairman for that purpose.

706. CONSIDERATION OF GROSS PLANNING BUDGET RESOLUTIONS.

Gross planning budget resolutions, submitted by the Mayor pursuant to section 7 of the Funds Control Act (D.C. Code § 47-306) shall be referred to the Committee of the Whole for consideration according to these Rules.

707. CONSIDERATION OF CONTROL BUDGET ACTS.

Control budget acts, submitted by the Mayor pursuant to section 8 of the Funds Control Act (D.C. Code § 47-307) shall be referred to the Committee of the Whole for consideration according to these Rules.

B. REPROGRAMMING POLICY ACT PROCEDURES.

711. EFFECT OF RECESS ON PROCEDURES.

Reprogramming requests and non-offsetting budget modification requests may not be submitted to the Council during a recess of the Council. No time period provided in this part for the consideration of the requests will continue to run during a recess of the Council.

712. COMMITTEE REFERRAL OF REQUESTS.

The Chairman shall refer reprogramming requests and non-offsetting budget modification requests to the Committee of the Whole. The Chairman shall also refer reprogramming requests for comments to the standing committee having oversight responsibility for the program or agency affected.

713. CIRCULATION OF REQUESTS.

The Secretary shall distribute copies of reprogramming requests to all members, pursuant to Rule 421, within 1 working day of the Council's receipt of the request.

714. PUBLICATION OF NOTICE.

Upon receipt of a reprogramming request or a non-offsetting budget modification request, the Secretary shall publish a "notice of reprogramming request" or a "notice of non-offsetting budget modification request", as the case may be, in the District of Columbia Register, which, at a minimum, shall include the following:

(1) A description of the action requested and the date the request was received by the Council; and

(2) A statement that the request will be deemed approved 14 days from the date it was received by the Council unless a notice of disapproval has been filed prior to that time by a member of the Council, and that if a notice of disapproval is filed, the request will be deemed approved 30 days from the date the request was received unless, prior to that time, the Council adopts a resolution to disapprove the request.

715. WITHDRAWAL OF REPROGRAMMING REQUESTS.

The Mayor may withdraw a reprogramming request or non-offsetting budget modification request at any time prior to the Council's taking final action on the request, or prior to its taking effect without Council action.

716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS.

(a) To initiate disapproval of a reprogramming request or a non-offsetting budget modification request, a member of the Council shall file a written notice of disapproval with the Secretary to the Council or give oral notice of disapproval at a legislative meeting of the

Council within 14 days after the Council receives the request. The Secretary shall circulate copies of the written notice of disapproval to all members.

(b) If this notice is given, the Council may consider and take final action, as provided in this section, to disapprove the request within 30 calendar days after the Council receives the request.

717. AUTOMATIC APPROVAL OF REQUESTS.

If the notice of disapproval provided in section 716 is not given within 14 days after the Council receives the request, the reprogramming request shall be deemed approved. If the notice is given as provided in subsection 716(a) and the Council does not take final action to disapprove the request as provided in this section, the reprogramming request shall be deemed approved.

718. TRANSMITTAL TO MAYOR.

The Chairman of the Council shall transmit, by letter to the Mayor, notification of the Council's disapproval or failure to disapprove a reprogramming request.

C. FUNDS CONTROL ACT PROCEDURES.

721. APPLICABILITY OF PROCEDURES.

(a) This part applies to the Council's consideration of grant applications, state plan approval requests, and budget structure resolutions.

(b) Except as provided in subsection (c) of this section, borrowing request resolutions shall be considered in accordance with Council Rules applicable to resolutions.

(c) Committee reports on borrowing requests shall comply, where appropriate, with the requirements for reports on measures set forth in section 443 and may include, but not be limited to:

- (1) The amount to be borrowed;
- (2) The purposes for which the funds are to be used, by control and responsibility center; and
- (3) An identification of the type and amount of revenue anticipated from each source to be used to repay the amount to be borrowed, the anticipated dates of receipt of the funds, and a schedule of repayment of the funds.

722. EFFECT OF RECESS ON FUNDS CONTROL ACT PROCEDURES.

No grant application, state plan approval request, or budget structure resolution may be submitted to the Council during a recess of the Council. No time period provided in this part for the consideration of these matters shall continue to run during a recess of the Council.

723. COMMITTEE REFERRAL OF REQUESTS.

Grant applications, state approval requests,

and budget structure resolutions shall be referred to the Committee of the Whole with comments from the standing committee having oversight responsibility for the agency or program affected. Budget structure resolutions shall be referred to the Committee of the Whole.

724. CIRCULATION OF REQUESTS.

Grant applications, state plan approval requests, and budget structure resolutions shall be circulated to all members of the Council within 1 working day after their receipt.

725. REQUIREMENTS FOR DISAPPROVAL.

(a) To initiate disapproval of a grant application, state plan approval request, or budget structure resolution, a member of the Council shall file a written notice of disapproval with the Secretary to the Council within 14 days after the Council receives the request.

(b) If this notice is given, the Council may consider and take final action, as provided in this section, to disapprove the request within 30 days after the Council receives the request.

726. AUTOMATIC APPROVAL OF REQUESTS.

If the notice provided in section 725(a) is not given within 14 days after the Council receives the request, the grant application, state plan approval request, or budget structure resolution shall be deemed approved. If the notice is given and the Council does not take final action to disapprove the request as provided in this section, the request shall be deemed approved.

727. TRANSMITTAL TO MAYOR.

The Chairman of the Council shall transmit, by letter to the Mayor, notification of the Council's disapproval or failure to disapprove grant applications, state plan approval requests, and budget structure resolutions.

ARTICLE VIII—OFFICIAL MAIL.

801. DEFINITIONS.

For the purposes of this article, the term:

(1) "Mass mailing" means the transmission through the mails of more than 100 substantially identical newsletters, news releases or similar types of material during any 30-day period, but shall not include a response to a communication initiated by a constituent.

(2) "Newsletter" or "news release" means the usual and customary correspondence that deals with such matters as the impact of laws and decisions on the government and its citizens, reports on public and official action taken by a Councilmember, and discussions of proposed or pending legislation or governmental action.

(3) "Official mail" means correspondence suitable to be mailed at public expense that pertains directly or indirectly to the legislative process or to a Council legislative function,

including any matter related to a past or current Council, the performance of official duties by a Councilmember in connection with a Council function, or other related matters of public concern or public service.

802. CONTENT OF OFFICIAL MAIL.

To be mailed at public expense, a Councilmember's newsletter or report on constituent service activities must come within the definition of "official mail" set forth in section 801 and must conform to the Official Correspondence Regulations, effective April 7, 1977 (D.C. Law 1-118; D.C. Code § 1-1701 et seq.). ("Official Correspondence Regulations.")

803. PERMITTED CATEGORIES OF OFFICIAL MAIL.

Except as otherwise provided in this article or by law or rule, a Councilmember may not mail, as official mail, any matter, article, material, or document for any reason other than the following:

- (1) A request for the matter, article, material, or document has been received by the Councilmember;
- (2) The document is required by law to be mailed;
- (3) The material or matter requests information pertinent to the conduct of the official business of the Council;
- (4) The material contains information relating to the activities of the Council or the availability of a Council publication or other document;
- (5) The enclosures are forms, blanks, cards, or other documents necessary or beneficial to the administration of the Council;
- (6) The materials are copies of federal, state or local laws, rules, regulations, orders, instructions, or interpretations thereof; or
- (7) The materials are to be mailed to federal, state, or other public authorities.

804. MARKING REQUIREMENTS FOR ENVELOPES.

An envelope that is used to enclose official mail shall bear upon its facing, in addition to the name and address of the Council, the words "official business."

805. PROHIBITIONS AND FORMAT OF NEWSLETTERS.

(a) A Councilmember may not mail, as official mail, a mass mailing within the 90-day period that immediately precedes a primary, special, or general election in which the Councilmember is a candidate for office.

(b) To be mailed at public expense as official mail, a Councilmember's newsletter or report on constituent service activities may not contain any of the following:

- (1) An autobiographical article, except that incidental references to personal matters or to autobiographical information shall not cause the newsletter or report to be non-frankable;

(2) A political cartoon that depicts a recognizable political personality or party;

(3) An announcement of a filing for reelection;

(4) An announcement of a political or partisan meeting;

(5) A reference to a past or future political campaign;

(6) A personal reference that is included for publicity, advertising, or political purposes;

(7) A report on family life, except that information concerning someone in a Councilmember's family who has been appointed or designated to serve in an official governmental capacity shall be permitted;

(8) A direct or indirect solicitation of funds;

(9) An expression of holiday greetings from the Councilmember or the Councilmember's family;

(10) An item that is purely personal to the Councilmember and unrelated to the official duties, activities, and business of the Councilmember;

(11) An article about a community event that is unrelated to official government business; and

(12) A report on non-official activities of the Councilmember that has the effect of lending the franking privilege to others, no matter how worthwhile or charitable the endeavors of those to whom the franking privilege would be loaned.

806. AUTHORIZED USES OF OFFICIAL MAIL.

Section 805 shall not be interpreted to prohibit a Councilmember or the Councilmember's staff from mailing, as official mail, any of the following:

(1) The whole or part of a record, speech, debate, or report of the Council or a committee of the Council;

(2) The tabulation of a Councilmember's vote or explanation of the vote;

(3) An expression of condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction;

(4) Information concerning the Councilmember's schedule of meeting constituents;

(5) Information concerning the meeting schedule and agenda for committees and subcommittees upon which the Councilmember serves;

(6) Information concerning financial disclosure information, whether or not required by law;

(7) Matter that consists of federal, state, or local laws, regulations or publications paid for by public funds;

(8) A questionnaire that relates to matters on public policy or administration; and

(9) Matter that contains a picture of the Councilmember or biographical or autobio-

graphical data whenever the matter is mailed in response to a specific request.

807. PHOTOGRAPHS AND SKETCHES CONTAINED IN NEWSLETTERS.

Each photograph or sketch contained in a newsletter or report on constituent service activities shall relate to the official legislative duties of the Councilmember and shall not, because of excessive use and size, have the effect of advertising or publicizing the Councilmember. In addition, to be mailed at public expense as official mail, a newsletter or report on constituent service activities may not contain any of the following:

- (1) More than 1 photograph or likeness of the Councilmember appearing alone;
- (2) A photographic likeness of the Councilmember appearing alone that covers more than 6% of a single page or that exceeds 6 square inches on 8½" x 11" paper;
- (3) More than 2 photographs per page that include the Councilmember with other persons;
- (4) Two photographs on a single page that include the Councilmember and exceed 20% of the page;
- (5) A photograph of a Councilmember with a label such as "Democrat", "Republican", "Statehood Party", or any other label that purports to advertise the Councilmember rather than to illustrate the accompanying text; and
- (6) A photograph that does not relate to, illustrate, or explain the accompanying text.

808. SIZE AND PRINT TYPES FOR NAMES.

- (a) A Councilmember's name in the masthead of a newsletter shall not appear in print type larger than ½" in height.
- (b) A Councilmember's name in the text of a newsletter shall not appear in type style or size larger than the other matter, nor in print size larger than ¼" in height.

809. USE OF OFFICIAL MAIL BY OFFICIALS-ELECT.

In addition to Councilmembers, the Chairman-elect and members-elect of the Council may mail materials as official mail.

810. GENERAL COUNSEL REVIEW.

The General Counsel shall be available to Councilmembers and their staffs to review materials intended to be mailed as official mail to ensure that the materials comply with the laws and rules governing official mail. Upon written request of a Councilmember, the General Counsel shall provide a written opinion concerning whether the materials, submitted by the Councilmember and intended to be mailed as official mail, comply with the laws and rules governing official mail.

811. APPLICATION.

Article VIII of these Rules shall only apply to mailings that involve public expense.

ARTICLE IX—AUDITOR.

901. SELECTION.

The Chairman shall nominate the Auditor and the Council shall act on the nomination by resolution.

902. TERM AND COMPENSATION.

The Auditor shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established from time to time by the Council.

903. VACANCY.

A vacancy in the Office of the Auditor shall be filled in the manner prescribed for full-term appointments to that office and any person appointed to fill the vacancy shall serve until the end of the predecessor's term.

904. STAFF.

The Auditor shall appoint, remove, and set the relative remuneration (pursuant to the budget of the Office of the Auditor) of the Auditor's subordinate staff.

905. REPORTS AVAILABLE TO THE PUBLIC.

The Council shall make audit reports submitted to the Council by the Auditor, and any other material it deems pertinent to the report, available for public inspection.

ARTICLE X—CONSTRUCTION, SUSPENSION AND AMENDMENT OF RULES.

1001. PARLIAMENTARY AUTHORITY.

Matters not covered by these Rules will be governed by Robert's Rules of Order, Newly Revised. It is the duty of the Chairman to interpret the Rules. Matters not covered by Robert's Rules of Order, Newly Revised, shall be determined by the Chairman subject to the right of a member to appeal the ruling of the Chairman.

1002. GENDER RULE OF CONSTRUCTION.

Unless the context indicates otherwise, words importing 1 gender include the other gender.

1003. SUSPENSION OF RULES.

Except for rules regarding notice, quorum, or amendment of these Rules and any requirement of the Charter or other law, any Rule governing procedures of the Council may be suspended during the consideration of a specified matter by motion to suspend the Rules approved by ⅔rds of the members present and voting.

1004. AMENDMENT OF RULES.

- (a) These Rules may be amended by a vote of a majority of the Council.
- (b) An amendment must be proposed in writing, signed by the proposer, circulated to all members and the Secretary to the Council, and posted in prominent places in the John A.

Wilson Building at least 15 days prior to consideration of the amendment.

(c) Seven members may vote to waive or shorten the 15 day notice period.

1005. EFFECTIVE PERIOD.

These Rules shall be effective until superseded by Rules of Organization and Procedure adopted in a succeeding Council Period as provided in section 301.

APPENDIX.

TO: _____

 (Address)

PURSUANT TO D.C. Code § 1-234, YOU ARE COMMANDED TO APPEAR before the (Council/Committee on) _____, of the Council of the District of Columbia, at _____ (a.m./p.m.) on the day of _____, 19____, to testify before the Council/Committee concerning:

_____ and bring with you: _____.

ISSUED BY: _____
 Chairman/Member of the
 Council of the District
 of Columbia

ATTEST: _____
 Secretary to the Council
 (Seal of the District)

IMPORTANT: If you fail to appear at the time and place stated or to bring with you the documents or items requested, the Council may

refer the matter to the Superior Court of the District of Columbia for an order compelling your attendance or the production of the documents or items requested. Failure to obey such an order may be punished as contempt of Court. **DO NOT FAIL TO APPEAR OR PRODUCE THE REQUESTED ITEMS AT THE REQUIRED TIME.**

RETURN:

I, _____ certify that I served a copy of this subpoena on the named party at _____ (address), on the _____ day of _____, 19____, at _____, (a.m./p.m.) by the following means:

PROCESS SERVER: _____
 (Address)
 Washington, D.C.

DISTRICT OF COLUMBIA: SS

SUBSCRIBED AND AFFIRMED TO ME BEFORE THIS _____ DAY OF _____, 19____

 NOTARY PUBLIC, D.C.

MY COMMISSION EXPIRES:

You may obtain a copy of the Rules of Organization and Procedure for the Council of the District of Columbia and the Resolution authorizing this investigation from the Council's Legislative Services Division, John A. Wilson Building, Room 28, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PART B—THE MAYOR

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

* * * * *

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, dis-

ability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system shall be established by act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act, except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system in the implementation of a financial plan and budget for the District government approved under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

* * * * *

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction. Nothing in the previous sentence may be construed to permit the Mayor to delegate any functions assigned to the Chief Financial Officer of the District of Columbia under section 424, without regard to whether such functions are assigned to the Chief Financial Officer under such section during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) or during any other year.

* * * * *

(Amended, Aug. 17, 1991, 105 Stat. 540, Pub. L. 102-106, § 3; Apr. 17, 1995, 109 Stat. 116, 147, Pub. L. 104-8, §§ 202(h), 302(b).)

Effect of amendments. — Section 3 of Pub. L. 102-106, 105 Stat. 540, inserted at the end of the fourth sentence in (3), “, except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system pursuant to procedures established by the Council for the separation of officers and employees whose positions are determined to be excess positions if the separation of such officer or employee is carried out during the 18-month period that begins on the

date of the enactment of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Emergency Amendment Act of 1991.”

Section 202(h) of Pub. L. 104-8, 109 Stat. 116, substituted “in the implementation of a financial plan ... Act of 1995” for “except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system pursuant to procedures established by the Council for the separation of

officers and employees whose positions are determined to be excess positions if the separation of such officer or employee is carried out during the 18-month period that begins on the date of the enactment of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Emergency Amendment Act of 1991" at the end of the fourth sentence of (3).

Section 302(b) of Pub. L. 104-8, 109 Stat. 147, added the last sentence in (6).

References in text. — Subtitle A of title II of the District of Columbia Financial Responsibility

and Management Assistance Act of 1995, referred to at the end of the fourth sentence of (3), is subtitle A of title II of Pub. L. 104-8, 109 Stat. 108, which is codified as subpart B of subchapter VII of Chapter 3 of Title 47 (§§ 47-392.1 through 47-392.9).

Section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, referred to near the end of (6), is § 305(4) of Pub. L. 104-8, 109 Stat. 152, which is codified as § 47-393(4).

CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

SEC. 424. (a) *Establishment of Office.*

(1) *In general.* — There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the "Office"), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the "Chief Financial Officer").

(2) *Office of the Treasurer.* — The Office shall include the Office of the Treasurer, which shall be headed by the Treasurer of the District of Columbia, who shall be appointed by the Chief Financial Officer and subject to the Chief Financial Officer's direction and control.

(3) *Transfer of other offices.* — Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are transferred to the Office:

- (A) The Controller of the District of Columbia.
- (B) The Office of the Budget.
- (C) The Office of Financial Information Services.
- (D) The Department of Finance and Revenue.

(4) *Service of heads of other offices.* —

(A) *Office heads appointed by Mayor.* — With respect to the head of the Office of the Budget and the head of the Department of Finance and Revenue —

(i) the Mayor shall appoint such individuals with the advice and consent of the Council, subject to the approval of the Authority during a control year; and

(ii) during a control year, the Authority may remove such individuals from office for cause, after consultation with the Mayor.

(B) *Office heads appointed by Chief Financial Officer.* — With respect to the Controller of the District of Columbia and the head of the Office of Financial Information Services —

(i) the Chief Financial Officer shall appoint such individuals subject to the approval of the Mayor; and

(ii) the Chief Financial Officer may remove such individuals from office for cause, after consultation with the Mayor.

(b) *Appointment.* —

(1) *In general.* —

(A) *Control year.* — During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

(i) prior to the appointment of the Chief Financial Officer, the Authority may submit recommendations for the appointment to the Mayor.

(ii) in consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

(iii) after the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under clause (ii), the Mayor shall notify the Authority of the nomination.

(iv) the nomination shall be effective subject to approval by a majority vote of the Authority.

(B) *Other years.* — During a year other than a control year, the Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Council. Prior to appointment, the Authority may submit recommendations for the appointment.

(2) *Removal.* —

(A) *Control year.* — During a control year, the Chief Financial Officer may be removed for cause by the Authority or by the Mayor with the approval of the Authority.

(B) *Other years.* — During a year other than a control year, the Chief Financial Officer shall serve at the pleasure of the Mayor, except that the Chief Financial Officer may only be removed for cause.

(3) *Salary.* — The Chief Financial Officer shall be paid at an annual rate determined by the Mayor, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

(c) *Functions during control year.* — During a control year, the Chief Financial Officer shall have the following duties:

(1) Preparing the financial plan and budget for the use of the Mayor for purposes of subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D.

(3) Assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Officer's authority, to ensure that budget, accounting and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis.

(5) With the approval of the Authority, preparing and submitting to the Mayor and the Council —

(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

(B) quarterly re-estimates of the revenues of the District of Columbia during the year.

(6) Supervising and assuming responsibility for financial transactions to ensure adequate control of revenues and resources, and to ensure that appropriations are not exceeded.

(7) Maintaining systems of accounting and internal control designed to provide —

(A) full disclosure of the financial impact of the activities of the District government;

(B) adequate financial information needed by the District government for management purposes;

(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget.

(8) Submitting to the Council a financial statement of the District government, containing such details and at such times as the Council may specify.

(9) Supervising and assuming responsibility for the assessment of all property subject to assessment and special assessments within the corporate limits of the District of Columbia for taxation, preparing tax maps, and providing such notice of taxes and special assessments (as may be required by law).

(10) Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).

(11) Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District government), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council or the Authority.

(12) Maintaining custody of all investment and invested funds of the District government or in possession of the District government in a fiduciary capacity, and maintaining the safekeeping of all bonds and notes of the District government and the receipt and delivery of District government bonds and notes for transfer, registration, or exchange.

(13) Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.

(14) Certifying all contracts (whether directly or through delegation) prior to execution as to the availability of funds to meet the obligations expected to be incurred by the District government under such contracts during the year.

(15) Prescribing the forms of receipts, vouchers, bills, and claims to be used by all agencies, offices, and instrumentalities of the District government.

(16) Certifying and approving prior to payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District

government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.

(17) In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.

(d) *Functions during all years.* — At all times, the Chief Financial Officer shall have the following duties:

(1) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

(2) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

(3) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

(4) Administering the centralized District government payroll and retirement systems.

(5) Governing the accounting policies and systems applicable to the District government.

(6) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

(7) Not later than 120 days after the end of each fiscal year (beginning with fiscal year 1995), preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act.

(e) *Functions of Treasurer.* — At all times, the Treasurer shall have the following duties:

(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Such reports shall include:

(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash

and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

(D) Monthly reports reflecting a detailed summary analysis of all District of Columbia government investments, including, but not limited to —

- (i) the total of long-term and short-term investments;
- (ii) a detailed summary analysis of investments by type and amount, including purchases, sales (maturities), and interest;
- (iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;
- (iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information;

(v) an analysis of cash utilization, including —

(I) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

(II) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and

(III) comparisons of estimated dollar return against actual dollar yield.

(E) Monthly reports reflecting a detailed summary analysis of long-term and short-term borrowings inclusive of debt as authorized by section 603, in the current fiscal year and the amount of debt for each succeeding fiscal year not to exceed 5 years. All such reports shall reflect —

- (i) the amount of debt outstanding by type of instrument;
- (ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;
- (iii) a maturity schedule of the debt;
- (iv) the rate of interest payable upon the debt; and
- (v) the amount of debt service requirements and related debt service reserves.

(2) Such other functions assigned to the Chief Financial Officer under subsection (c) or subsection (d) as the Chief Financial Officer may delegate.

(f) *Definitions.* — In this section —

(1) the term “Authority” means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

(2) the term “control year” has the meaning given such term under section 305(4) of such Act; and

(3) the term “District government” has the meaning given such term under section 305(5) of such Act. (Added, Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 302(a).)

Effect of amendments. — Section 302(a) of Pub. L. 104-8, 109 Stat. 142, added this section.

References in text. — The “District of Columbia Self-Government and Governmental

Reorganization Act,” referred to in subsection (d)(7), is Pub. L. 93-198.

Section 11717(b) of Title XI of Pub. L. 105-33, 111 Stat. 786, provided that any reference in

law or regulation to the “District of Columbia Self-Government and Governmental Reorganization Act” shall be deemed to be a reference to the “District of Columbia Home Rule Act.”

“Subsection (b)”, referred to in (a)(3), is § 47-317.2.

Subtitle A of Title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, referred to in (c)(1), is subtitle A of title II of Pub. L. 104-8, 109 Stat. 108, which is codified as §§ 47-392.1 through 47-392.9.

Section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, referred to in (f)(1), is § 101(a) of Pub. L. 104-8, 109 Stat. 108, which is codified as § 47-391.1(a).

Section 305(5) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, referred to in (f)(3), is § 305(5) of Pub. L. 104-8, 109 Stat. 152, which is codified as § 47-393(5).

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431.

* * * * *

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nomination Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until a successor is designated, except that the term as chief judge shall not extend beyond the chief judge’s term as a judge of a District of Columbia court. An individual shall be eligible for redesignation as chief judge.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 [July 29, 1970] shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy-four or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or a successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433:

* * * * *

(e)(1) No person may be appointed to the Tenure Commission unless such person —

* * * * *

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to appointment; and

* * * * *

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall

serve only for the remainder of the unexpired term of such person's predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts. Members of the Tenure Commission shall be appointed as follows:

* * * * *

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

* * * * *

(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.

* * * * *

(June 13, 1994, 108 Stat. 713, Pub. L. 103-266, § 2(b)(1)-(3); Apr. 26, 1996, 110 Stat. 1321 [210], Pub. L. 104-134, § 133(a).)

Effect of amendments. — Public Law 103-266 amended (b), (c), and (e) to remove gender-specific references and amended (c) and (e) to correct typographical or grammatical errors.

Section 133(a) of Pub. L. 104-134, 110 Stat. 1321 [210] rewrote (f).

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT OF JUDGES

SEC. 432.

* * * * *

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a District of Columbia court shall be suspended, without salary —

(A) upon —

(i) proof of conviction of a crime referred to in subsection (a) (1) which has not become final, or

(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover any salary and all other rights and privileges of office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as the judge may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of office.

(3) A judge of a District of Columbia court shall be suspended from all or part of the judge's judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that such suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals. (Amended, June 13, 1994, 108 Stat. 713, Pub. L. 103-266, § 2(b)(4)-(5).)

Effect of amendments. — Public Law 103-266 amended (b) and (c) to remove gender-specific references.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) Except as provided in section 434(d)(1), the President shall nominate, from the list of persons recommended by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless the person —

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia Bar and has been engaged in the active practice of law in the District for the five years immediately preceding the nomination or for such five years has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or the District of Columbia government;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to the nomination, and shall retain such residency while serving as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to the nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than six months prior to the expiration of the judge's term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of the term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than sixty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during the present term of office and the candidate's fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, the President shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court. (Amended, Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, §§ 12, 13; June 13, 1994, 108 Stat. 713, Pub. L. 103-266, § 2(b)(6)-(8); Apr. 26, 1996, 110 Stat. 1321 [210], Pub. L. 104-134, § 133(b); Sept. 9, 1996, 110 Stat. 2369, Pub. L. 104-194, § 131(b).)

Effect of amendments. — Public Law 103-266 amended this section to remove gender-specific references.

Section 133(b) of Pub. L. 104-134, 110 Stat. 1321 [210] amended (b)(5) to read as follows:

"(5) Members of the Commission shall serve without compensation for services rendered in

connection with their official duties on the Commission."

Section 131(b) of Pub. L. 104-194, 110 Stat. 2369, repealed § 133(b) of Pub. L. 104-134, and restored the provisions of this section as if that provision had not been enacted into law.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434.

* * * * *

(b)(1) No person may be appointed to the Commission unless the person —
(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least 90 days immediately prior to appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 102 of Title 5 of the United States Code); and (except with respect to the person appointed or designated according to paragraph (4)(E)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of such person's predecessor.

* * * * *

(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.

* * * * *

(d)(1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within sixty days following the occurrence of such vacancy, submit to the President, for possible nomination and appointment, a list of three persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the President may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such judge's term of office, the Commission's list of nominees shall be submitted to the President not less than sixty days prior to the occurrence of such vacancy. In the event the President fails to nominate, for Senate confirmation, one of the persons on the list submitted to the President under this section within sixty days after receiving such list, the Commission shall nominate, and with the advice and consent of the Senate, appoint one of those persons to fill the vacancy for which such list was originally submitted to the President.

(2) In the event any person recommended by the Commission to the President requests that the recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the President one person to replace the person originally recommended.

* * * * *

(Amended, June 13, 1994, 108 Stat. 713, Pub. L. 103-266, § 2(b)(9)-(10); Sept. 9, 1996, 110 Stat. 2369, Pub. L. 104-194, § 131(a).)

Effect of amendments. — Public Law 103-266 amended (b) and (d) to remove gender-specific references.

Section 131(a) of Pub. L. 104-194, 110 Stat. 2369, rewrote (f).

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart 1—Budget and Financial Management

SUBMISSION OF ANNUAL BUDGET

SEC. 442.

* * * * *

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections and Ethics, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, the Commission on Judicial Disabilities and Tenure, and the District of Columbia Water and Sewer Authority.

* * * * *

(d) The Mayor shall prepare and submit to the Council a proposed supplemental or deficiency budget recommendation under subsection (c) if the Council by resolution requests the Mayor to submit such a recommendation. (Amended, Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a); Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 301(c); Aug. 6, 1996, 110 Stat. 1698, Pub. L. 104-184, § 4(c).)

<p>Effect of amendments. — Section 301(c) of Pub. Law 104-8, 109 Stat. 142, added (d). Section 4(c) of Pub. L. 104-184, 110 Stat.</p>	<p>1698, in (b), deleted “and” following “Armory Board” and added “and the District of Columbia Water and Sewer Authority” to the end.</p>
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DISTRICT OF COLUMBIA COURTS’ BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Director of the Office of Management and Budget, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the District of Columbia court system. The courts shall submit as part of their budgets both a multiyear plan and a multiyear capital improvements plan and shall submit a statement presenting qualitative and quantitative descriptions of court activities and the status of efforts to comply with reports of the Comptroller General of the United States. (Amended Aug. 5, 1997, 111 Stat. 753, Pub. L. 105-33, § 11243(a).)

Effect of amendments. — Section 11243(a) of Pub. L. 105-33 rewrote the section.

WATER AND SEWER AUTHORITY BUDGET

SEC. 445a. (a) *In general.* — The District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 shall prepare and annually submit to the Mayor, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the operation of the Authority for the year. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to §§ 47-304 and 47-313(c), without revision but subject to his recommendations. Notwithstanding any other provision of this Act, the Council may comment or make recommendations concerning such annual estimates, but shall have no authority under this Act to revise such estimates.

(b) *Permitting Expenditure of Excess Revenues for Capital Projects in Excess of Budget.* — Notwithstanding the amount appropriated for the District of Columbia Water and Sewer Authority for capital projects for a fiscal year, if the revenues of the Authority for the year exceed the estimated revenues of the Authority provided in the annual budget of the District of Columbia for the fiscal year, the Authority may obligate or expend an additional amount for capital projects during the year equal to the amount of such excess revenues. (Added Aug. 6, 1996, 110 Stat. 1698, Pub. L. 104-184, § 4(a); amended Aug. 5, 1997, 111 Stat. 784, Pub. L. 105-33, § 11714(a).)

Effect of amendments. — Public Law 104-184 added this section.

Section 11714(a) of Pub. L. 105-33 added (b).

References in text. — The “Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996,” referred to in this section; is D.C. Law

11-111, which is codified primarily as § 43-1661 et seq.

“This Act,” referred to twice in this section, is the District of Columbia Self-Government and Governmental Reorganization Act (Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198).

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, within fifty calendar days after receipt of the budget proposal from the Mayor, and after public hearing, shall by act adopt the annual budget for the District of Columbia government. Any supplements thereto shall also be adopted by act by the Council after public hearing. Such budget so adopted shall be submitted by the Mayor to the President for transmission by him to the Congress. Except as provided in section 445A(b), section 467(d), section 471(c), section 472(d)(2), section 475(e)(2), section 483(d), and section 490(f), (g), and (h)(3), no amount may be obligated or expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act. Notwithstanding any other provision of this Act, the Mayor shall not transmit any annual budget or amendments or supplements thereto, to the President of the United States until the completion of the budget procedures contained in this Act. After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under

such request for an activity are offset by reductions in expenditures for another activity. (Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 2; Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 301(b)(1); Aug. 6, 1996, 110 Stat. 1697, Pub. L. 104-184, § 2(c)(2); Aug. 5, 1997, 111 Stat. 777, Pub. L. 105-33, §§ 11509, 11714(b).)

Effect of amendments. — Section 301(b)(1) of Pub. L. 104-8, 109 Stat. 142, added the last sentence.

Section 2(c) of Pub. L. 104-184, 11 Stat. 1697, substituted “(f), (g)(3), and (h)(3)” for “(f) and (g)(3).”

Section 11509 of Pub. L. 105-33, 111 Stat. 777, rewrote the fourth sentence.

Section 11714(b) of Pub. L. 105-33, 111 Stat. 784, in the fourth sentence, inserted “section 445A(b)” preceding “section 467(d).”

Neither of the amendments referred to the other, but effect has been given to both, as they do not conflict.

References in text. — “Section 445A(b), section 467(d), section 471(c), section 472(d)(2), section 475(e)(2), section 483(d), and section 490(f), (g), and (h)(3),” referred to in this section, are §§ 445A(b), 467(d), 471(c), 472(d)(2), 475(e)(2), 483(d), and 490(f), (g), and (h)(3) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 774, Pub. L. 93-198, codified as §§ 43-1691, 47-326.1(d), 47-327(c), 47-328(d)(2), 47-330.1(e)(2), 47-331.2(d), and 47-334(f), (g), and (h)(3), respectively.

Applicability to certain revenues regarding Convention Center and Sports Arena. — Section 101 of Pub. L. 104-28, 109 Stat. 267, provides that:

“(a) The fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-304, D.C. Code) shall not apply with respect to any revenues of the District of Columbia which are attributable to the enactment of title III of the Washington Convention Center Authority Act of 1994 (D.C. Law 10-188) and which are obligated or expended for the activities described in subsection (b).

(b) The activities described in this paragraph are—

(1) the operation and maintenance of the existing Washington Convention Center; and

(2) preconstruction activities with respect to a new convention center in the District of Columbia, including land acquisition and the conducting of environmental impact studies, architecture and design studies, surveys, and site acquisition.”

Applicability to certain obligations or expenditures relating to Convention Center and Sports Arena. — Section 203 of Pub. L. 104-28, 109 Stat. 269, provided that the fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-304, D.C. Code) shall not apply with respect to any of the following obligations or expenditures:

(1) Borrowing conducted pursuant to section 201(a).

(2) The pledging of revenues as security for such borrowing pursuant to section 202(a).

(3) The payment of principal, interest, premium, debt servicing, contributions to reserves, or other costs associated with such borrowing.

(4) Other obligations or expenditures made to carry out any arena preconstruction activity described in section 204.

Sections 201(a), 202(a), and 204 of Pub. L. 104-28, are codified as §§ 47-398.1(a), 47-398.2(a), and 47-398.4, respectively.

Application of § 11714 of Pub. L. 105-33.

— Section 11714(c) of Title XI of Pub. L. 105-33, 111 Stat. 784, the National Capital Revitalization and Self-Government Improvement Act of 1997, provided that the amendments made by this section shall apply with respect to fiscal years beginning on or after October 1, 1996.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. (a) Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall —

* * * * *

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all moneys receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District, except that this paragraph shall not apply to moneys from the District of Columbia Courts;

* * * * *

(Amended, Oct. 13, 1977, 91 Stat. 1155, Pub. L. 95-131, § 2; Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 3; Aug. 5, 1997, 111 Stat. 753, Pub. L. 105-33, § 11243(b).)

Effect of amendments. — Section 11243(b) of Pub. L. 105-33 added the exception language at the end of (a)(6).

GENERAL AND SPECIAL FUNDS

SEC. 450. The General Fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the General Fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this title. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All money received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund, except that all money received by the District of Columbia Courts shall be deposited in the Treasury of the United States or the Crime Victims Fund. (Amended, Aug. 5, 1997, 111 Stat. 753, Pub. L. 105-33, § 11243(c).)

Effect of amendments. — Section 11243(c) of Pub. L. 105-33 added the exception language at the end of the section.

SPECIAL RULES REGARDING CERTAIN CONTRACTS

SEC. 451. (a) *Contracts extending beyond one year.* — No contract involving expenditures out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

(b) *Contracts exceeding certain amount.* —

(1) *In general.* — No contract involving expenditures in excess of \$1,000,000 during a 12-month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council).

(2) *Deemed approval.* — For purposes of paragraph (1), the Council shall be deemed to approve a contract if —

(A) during the 10-day period beginning on the date the Mayor submits the contract to the Council, no member of the Council introduces a resolution approving or disapproving the contract; or

(B) during the 45-calendar day period beginning on the date the Mayor submits the contract to the Council, the Council does not disapprove the contract.

(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

(A) appropriations originally available for the performance of the contract concerned;

(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

(C) funds appropriated for those payments.

(3) No contract entered into under this subsection shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.

(d) *Exemption for certain contracts.* — The requirements of this section shall not apply with respect to any of the following contracts:

(1) Any contract entered into by the Washington Convention Center Authority for preconstruction activities, project management, design, or construction.

(2) Any contract entered into by the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, other than contracts for the sale or lease of the Blue Plains Wastewater Treatment Plant.

(3) At the option of the Council, any contract for a highway improvement project carried out under title 23, United States Code. (Amended, Apr. 17, 1995, 109 Stat. 151, Pub. L. 104-8, § 304(a); Apr. 26, 1996, 110 Stat. 1321 [210], Pub. L. 104-134, § 134; Sept. 9, 1996, 110 Stat. 2376, 104-194, § 144; Aug. 5, 1997, 111 Stat. 781, Pub. L. 105-33, § 11704.)

Effect of amendments. — Section 304(a) of Pub. L. 104-8, 109 Stat. 151 rewrote the section heading preceding this section; added the designation “(a)” and the heading preceding the text of (a); and added (b).

Section 134 of Pub. L. 104-134, 110 Stat. 1321 [210], added (c).

Section 144 of Pub. L. 104-194, 110 Stat. 2376, substituted “this subsection” for “this section” in the first sentence of (c)(3).

Section 11704 of Pub. L. 105-33 added (d).

Application of § 304 of Pub. L. 104-8. — Section 304(c) of Pub. L. 104-8, 109 Stat. 152, provided that the amendments made by that shall apply to contracts made on or after the date of the enactment of the Act (April 17, 1995).

ANNUAL BUDGET FOR THE BOARD OF EDUCATION

SEC. 452. With respect to the annual budget for the Board of Education in the District of Columbia, the Mayor and the Council may establish the maximum amount of funds which will be allocated to the Board, but may not specify the purposes for which such funds may be expended or the amount of such funds which may be expended for the various programs under the jurisdiction of the Board of Education. This section shall not apply with respect to the annual budget for any fiscal year which is a control year (as defined in

section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995). (Amended, Apr. 17, 1995, 109 Stat. 116, Pub. L. 104-8, § 202(g)(2).)

Effect of amendments. — Section 202(g)(2) of Pub. L. 104-8, 109 Stat. 116 added the last sentence.

References in text. — Section 305(4) of the District of Columbia Financial Responsibility

and Management Assistance Act of 1995, referred to at the end of the section, is § 305(4) of Pub. L. 104-8, 109 Stat. 152, which is codified as § 47-393(4).

REDUCTIONS IN BUDGETS OF INDEPENDENT AGENCIES

SEC. 453. (a) In accordance with subsection (b) and except as provided in subsection (c), the Mayor may reduce amounts appropriated or otherwise made available to independent agencies of the District of Columbia (including the Board of Education) for a fiscal year if the Mayor determines that it is necessary to reduce such amounts to balance the District's budget for the fiscal year.

(b)(1) The Mayor may not make any reduction pursuant to subsection (a) unless the Mayor submits a proposal to make such a reduction to the Council and the Council approves the proposal.

(2) A proposal submitted by the Mayor under paragraph (1) shall be deemed to be approved by the Council —

(A) if no member of the Council files a written objection to the proposal with the Secretary of the Council before the expiration of the 10-day period that begins on the date the Mayor submits the proposal; or

(B) if a member of the Council files such a written objection during the period described in subparagraph (A), if the Council does not disapprove the proposal prior to the expiration of the 45-day period that begins on the date the member files the written objection.

(3) The periods described in subparagraphs (A) and (B) of paragraph (2) shall not include any days which are days of recess for the Council (according to the Council's rules).

(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council or to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995. (Amended, Aug. 17, 1991, 105 Stat. 539, Pub. L. 102-106, § 2; Apr. 17, 1995, 109 Stat. 106, Pub. L. 104-8, § 106(a)(4); Aug. 5, 1997, 111 Stat. 754, Pub. L. 105-33, § 11243(d); Nov. 19, 1997, 111 Stat. 2187, Pub. L. 105-100, § 11243(e).)

Effect of amendments. — Section 2 of Pub. L. 102-106, 105 Stat. 539, added this section.

Section 106(a)(4) of Pub. L. 104-8, 109 Stat. 106, added "or to the District ... Act of 1995" at the end of (c).

Section 11243(e) of Pub. L. 105-33, in (c), deleted "the District of Columbia Courts or" preceding "the Council."

References in text. — Section 101(a) of the "District of Columbia Financial Responsibility

and Management Assistance Act of 1995," referred to in (c), is § 101(a) of Pub. L. 104-8, 109 Stat. 100, which is codified as § 47-391.1(a).

Application of § 2 of Pub. L. 102-106. — Section 3(b) of Pub. L. 102-106 provided that the amendment made by subsection (a) shall apply to budgets for fiscal years beginning on or after October 1, 1990.

Subpart 2—Audits and Accountability Requirements

DISTRICT OF COLUMBIA AUDITOR

SEC. 455.

* * * * *

(g) This section shall not apply to the District of Columbia Courts or the accounts and operations thereof. (Amended, Aug. 5, 1997, 111 Stat. 754, Pub. L. 105-33, § 11244(a).)

Effect of amendments. — Section 11244(a) of Pub. L. 105-33 added (g).

PERFORMANCE AND FINANCIAL ACCOUNTABILITY

SEC. 456. (a) *Performance Accountability Plan.*

(1) *Submission of annual plan.* — Not later than March 1 of each year (beginning with 1998), the District of Columbia Financial Responsibility and Management Assistance Authority shall develop and submit to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a performance accountability plan for all departments, agencies, and programs of the government of the District of Columbia for the subsequent fiscal year.

(2) *Contents of plan.* — The performance accountability plan for a fiscal year shall contain the following:

(A) A statement of measurable, objective performance goals established for all significant activities of the government of the District of Columbia during the fiscal year (including activities funded in whole or in part by the District but performed in whole or in part by some other public or private entity) that describe an acceptable level of performance by the government and a superior level of performance by the government.

(B) A description of the measures of performance to be used in determining whether the government has met the goals established under subparagraph (A) with respect to an activity for a fiscal year. Such measures shall analyze the quantity and quality of the activities involved, and shall include measures of program outcomes and results.

(C) The title of the District of Columbia management employee most directly responsible for the achievement of each goal and the title of such employee's immediate supervisor or superior.

(3) *Description of activities subject to court order.* — In addition to the material included in the performance accountability plan for a fiscal year under paragraph (2), the plan shall include a description of the activities of the government of the District of Columbia that are subject to a court order during the fiscal year and the requirements placed on such activities by the court order.

(b) *Performance accountability report.* —

(1) *Submission of report.* — Not later than March 1 of each year (beginning with 1999), the Authority shall develop and submit to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a performance accountability report on activities of the government of the District of Columbia during the fiscal year ending on the previous September 30.

(2) *Contents of report.* — The performance accountability report for a fiscal year shall contain the following:

(A) For each goal of the performance accountability plan submitted under subsection (a) for the year, a statement of the actual level of performance achieved compared to the stated goal for an acceptable level of performance and the goal for a superior level of performance.

(B) The title of the District of Columbia management employee most directly responsible for the achievement of each goal and the title of such employee's immediate supervisor or superior.

(C) A statement of the status of any court orders applicable to the government of the District of Columbia during the year and the steps taken by the government to comply with such orders.

(3) *Evaluation of report.* — The Comptroller General, in consultation with the Director of the Office of Management and Budget, shall review and evaluate each performance accountability report submitted under this subsection and not later than April 15 of each year shall submit comments on such report to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

(c) *Financial accountability plan and report.* —

(1) *Development and submission.* — Not later than March 1 of each year (beginning with 1997), the Chief Financial Officer shall develop and submit to Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a 5-year financial plan for the government of the District of Columbia that contains a description of the steps the government will take to eliminate any differences between expenditures from, and revenues attributable to, each fund of the District of Columbia during the first 5 fiscal years beginning after the submission of the plan.

(2) *Report on compliance.* —

(A) *Submission of report.* — Not later than March 1 of every year (beginning with 1999), the Chief Financial Officer shall submit a report to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, the Comptroller General, and the Director of the Congressional Budget Office on the extent to which the government of the District of Columbia was in compliance during the preceding fiscal year with the applicable requirements

of the financial accountability plan submitted for such fiscal year under this subsection.

(B) *Evaluation of report.* — The Comptroller General, in consultation with the Director of the Congressional Budget Office, shall review and evaluate the financial accountability compliance report submitted under subparagraph (A) and not later than April 15 of each year shall submit comments on such report to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

(d) *Quarterly financial reports.* —

(1) *Submission of quarterly financial reports.* — Not later than fifteen days after the end of every calendar quarter (beginning with a report for the quarter beginning October 1, 1997), the Chief Financial Officer shall submit to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Subcommittees on the District of Columbia of the Committees on Appropriations of the House of Representatives and the Senate, a report on the financial and budgetary status of the government of the District of Columbia for the previous quarter.

(2) *Contents of report.* — Each quarterly financial report submitted under paragraph (1) shall include the following information:

(A) A comparison of actual to forecasted cash receipts and disbursements for each month of the quarter, as presented in the District's fiscal year consolidated cash forecast which shall be supported and accompanied by cash forecasts for the general fund and each of the District government's other funds other than the capital projects fund and trust and agency funds.

(B) A projection of the remaining months cash forecast for that fiscal year.

(C) Explanations of (i) the differences between actual and forecasted cash amounts for each of the months in the quarter, and (ii) any changes in the remaining months forecast as compared to the original forecast for such months of that fiscal year.

(D) The effect of such changes, actual and projected, on the total cash balance of the remaining months and for the fiscal year.

(E) Explanations of the impact on meeting the budget, how the results may be reflected in a supplemental budget request, or how other policy decisions may be necessary which may require the agencies to reduce expenditures in other areas.

(F) An aging of the outstanding receivables and payables, with an explanation of how they are reflected in the forecast of cash receipts and disbursements.

(G) For each department or agency, the actual number of full-time equivalent positions, the actual number of full-time employees, the actual number of part-time employees, and the actual number of temporary employees, together with the source of funding for each such category of positions and employees. (Added Oct. 19, 1994, 108 Stat. 3488, Pub. L. 103-373, § 3(a)(2); Nov. 19, 1997, 111 Stat. 2174, Pub. L. 105-100, § 130.)

Effect of amendments. — Section 2(a) of Pub. L. 103-373, 108 Stat. 3488, added this section. Section 130 of Pub. L. 105-100 rewrote the section.

PART E—BORROWING

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603(b), the District may incur indebtedness by issuing general obligation bonds to refund indebtedness of the District at any time outstanding, to finance the outstanding accumulated operating deficit of the general fund of the District of \$331,589,000, existing as of September 30, 1990, to finance or refund the outstanding accumulated operating deficit of the general fund of the District of \$500,000,000, existing as of September 30, 1997, and to provide for the payment of the cost of acquiring or undertaking its various capital projects. Such bonds shall bear interest, payable on such dates, at such rate or rates and at such maturities as the Mayor, subject to the provisions of section 462 of this Act, may from time to time determine to be necessary to make such bonds marketable.

(2) The District may not issue any general obligation bonds to finance the operating deficit existing as of September 30, 1990, described in paragraph (1) after September 30, 1992.

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(Amended, Aug. 17, 1991, 105 Stat. 540, Pub. L. 102-106, § 4; Aug. 5, 1997, 111 Stat. 768, Pub. L. 105-33, § 11405.)

Effect of amendments. — Section 4 of Pub. L. 102-106, 105 Stat. 540, in (a)(1), inserted “to finance the outstanding accumulated operating deficit of the general fund of the District of \$331,589,000, existing as of September 30, 1990”; and added (a)(2).

Section 11405 of Pub. L. 105-33, 111 Stat. 768, in (a)(1), rewrote the first sentence; and in (a)(2), inserted “existing as of September 30, 1990” following “operating deficit.”

CONTENTS OF BORROWING LEGISLATION AND ELECTIONS ON ISSUING GENERAL OBLIGATION BONDS

SEC. 462. (a) The Council may by act authorize the issuance of general obligation bonds for the purposes specified in section 461. Such an act shall contain, at least, provisions —

- (1) briefly describing each project to be financed by the act;
- (2) identifying the Act authorizing each such project or category of projects;
- (3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for the projects to be financed;
- (4) setting forth the maximum rate of interest to be paid on such indebtedness;

(5) setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year; and

(6) setting forth, in the event that the Council determines in its discretion to submit the question of issuing such bonds to a vote of the qualified voters of the District, the manner of holding such election, the date of such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election.

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(Amended, Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(4); Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 5; Aug. 5, 1997, 111 Stat. 769, Pub. L. 105-33, § 11503.)

Effect of amendments. — Section 11503 of Pub. L. 105-33 rewrote (a).

PUBLIC OR PRIVATE SALE

SEC. 466. General obligation bonds issued under this part may be sold at a private sale on a negotiated basis (in such manner as the Mayor may determine to be in the public interest), or may be sold at public sale upon sealed proposals after publication of a notice of such public sale at least once not less than 10 days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in 1 or more newspapers of general circulation published in the District. Such notice of public sale shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a down payment a certified check, cashier's check, or surety for an amount equal to at least 2 percent of the par amount of general obligation bonds bid for, and the Mayor shall reserve the right to reject any and all bids. (Amended, Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(6); Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 9; Oct. 12, 1984, 98 Stat. 1837, Pub. L. 98-473, § 131(a); Dec. 19, 1985, 99 Stat. 1185, Pub. L. 99-190, § 101(c); Oct. 30, 1986, 100 Stat. 3341-180, Pub. L. 99-591, § 101(d); Dec. 22, 1987, 101 Stat. 1329, Pub. L. 100-202, § 1(c); Aug. 5, 1997, 111 Stat. 769, Pub. L. 105-33, § 11504.)

Effect of amendments. — Section 11504 of Pub. L. 105-33 rewrote the section.

AUTHORITY TO CREATE SECURITY INTERESTS IN DISTRICT REVENUES

SEC. 467. (a) *In general.* —An act of the Council authorizing the issuance of general obligation bonds or notes under section 461(a), section 471(a), section 472(a), or section 475(a) may create a security interest in any District revenues as additional security for the payment of the bonds or notes authorized by such act.

(b) *Contents of acts.* — Any such act creating a security interest in District revenues may contain provisions (which may be part of the contract with the holders of such bonds or notes) —

(1) describing the particular District revenues which are subject to such security interest;

(2) creating a reasonably required debt service reserve fund or any other special fund;

(3) authorizing the Mayor of the District to execute a trust indenture securing the bonds or notes;

(4) vesting in the trustee under such a trust indenture such properties, rights, powers, and duties in trust as may be necessary, convenient, or desirable;

(5) authorizing the Mayor of the District to enter into and amend agreements concerning —

(A) the custody, collection, use, disposition, security, investment, and payment of the proceeds of the bonds or notes and the District revenues which are subject to such security interest; and

(B) the doing of any act (or the refraining from doing any act) that the District would have the right to do in the absence of such an agreement;

(6) prescribing the remedies of the holders of the bonds or notes in the event of a default; and

(7) authorizing the Mayor to take any other actions in connection with the issuance, sale, delivery, security, and payment of the bonds or notes.

(c) *Timing and perfection of security interests.* — Notwithstanding Article 9 of Title 28 of the District of Columbia Code, any security interest in District revenues created under subsection (a) shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not such individual or legal entity has notice of such lien.

(d) *Obligations and expenditures not subject to appropriation.* — The fourth sentence of section 446 shall not apply to any obligation or expenditure of any District revenues to secure any general obligation bond or note under subsection (a). (Added, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 10; amended, Aug. 5, 1997, 111 Stat. 770, Pub. L. 105-33, § 11505.)

Subpart 2—Short-Term Borrowing

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. (a) *In general.* — In anticipation of the collection or receipt of revenues for a fiscal year, the Council may by act authorize the issuance of general obligation notes for such fiscal year, to be known as revenue anticipation notes.

(b) *Limit on aggregate notes outstanding.* — The total amount of all revenue anticipation notes issued under subsection (a) outstanding at any time during

a fiscal year shall not exceed 20 percent of the total anticipated revenue of the District for such fiscal year, as certified by the Mayor under this subsection. The Mayor shall certify, as of a date which occurs not more than 15 days before each original issuance of such revenue anticipation notes, the total anticipated revenue of the District for such fiscal year.

(c) *Permitted outstanding duration.* — Any revenue anticipation note issued under subsection (a) of this section may be renewed. Any such note, including any renewal note, shall be due and payable not later than the last day of the fiscal year during which the note was originally issued.

(d) *Effective date of authorization acts; payments not subject to appropriation.* —

(1) *Effective date.* — Notwithstanding section 602(c)(1), any act of the Council authorizing the issuance of revenue anticipation notes under subsection (a) of this section shall take effect —

(A) if such act is enacted during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), on the date of approval by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(B) if such act is enacted during any other year, on the date of enactment of such act.

(2) *Payments not subject to appropriation.* — The fourth sentence of section 446 shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any revenue anticipation note issued under subsection (a). (Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 12; Aug. 5, 1997, 111 Stat. 771, Pub. L. 105-33, § 11506.)

Effect of amendments. — Section 11506 of Pub. L. 105-33 rewrote the section.

BOND ANTICIPATION NOTES

SEC. 475. (a) *Authorizing issuance.*

(1) *In general.* — In anticipation of the issuance of general obligation bonds, the Council may by act authorize the issuance of general obligation notes to be known as bond anticipation notes in accordance with this section.

(2) *Purposes; permitting issuance of general obligation bonds to cover indebtedness.* — The proceeds of bond anticipation notes issued under this section shall be used for the purposes for which general obligation bonds may be issued under section 461, and such notes shall constitute indebtedness which may be refunded through the issuance of general obligation bonds under such notes shall constitute indebtedness which may be refunded through the issuance of general obligation bonds under such section.

(b) *Maximum annual debt service amount.* — The Act of the Council authorizing the issuance of bond anticipation notes shall set forth for the bonds anticipated by such notes an estimated maximum annual debt service amount based on an estimated schedule of annual principal payments and an estimated schedule of annual interest payments (based on an estimated maximum average annual interest rate for such bonds over a period of 30 years from the earlier of the date of issuance of the notes or the date of original issuance of

prior notes in anticipation of those bonds). Such estimated maximum annual debt service amount as estimated at the time of issuance of the original bond anticipation notes shall be included in the calculation required by section 603(b) while such notes or renewal notes are outstanding.

(c) *Permitted outstanding duration.* — Any bond anticipation note, including any renewal note, shall be due and payable not later than the last day of the third fiscal year following the fiscal year during which the note was originally issued.

(d) *General authority of Council.* — If provided for in Act of the Council authorizing such an issue of bond anticipation notes, bond anticipation notes may be issued in succession, in such amounts, at such times, and bearing interest rates within the permitted maximum authorized by such Act.

(e) *Effective date of authorization acts; payments not subject to appropriation.* —

(1) *Effective date.* — Notwithstanding section 602(c)(1), any act of the Council authorizing the renewal of bond anticipation notes under subsection (c) or the issuance of general obligation bonds under section 461(a) to refund any bond anticipation notes shall take effect —

(A) if such act is enacted during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), on the date of approval by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(B) if such act is enacted during any other year, on the date of enactment of such act.

(2) *Payment not subject to appropriation.* — The fourth sentence of 446 shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any bond anticipation note issued under this section. (Added, Aug. 5, 1997, 111 Stat. 771, Pub. L. 105-033, § 11507(a).)

Effect of amendments. — Section 11507(a) of Pub. L. 105-33, 111 Stat. 771, added this section.

References in text. — Section 305(4) of the District of Columbia Financial Responsibility

and Management Assistance Act of 1995, referred to in (e)(1)(A), is § 305(4) of Pub. L. 104-8, 109 Stat. 152, which is codified as § 47-393(4).

Subpart 3—Payment of Bonds and Notes

PAYMENT OF THE GENERAL OBLIGATION BONDS AND NOTES

SEC. 483.

* * * * *

(c) Deleted.

* * * * *

(Added, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 14; Aug. 5, 1997, 111 Stat. 777, Pub. L. 105-33, § 11601(b)(1)(B).)

Effect of amendments. — Section
11601(b)(1)(B) of Pub. L. 105-33 deleted (c).

Subpart 5—Tax Exemption; Legal Investment; Water
Pollution; Reservoirs; Metro Contributions;
and Revenue Bonds

REVENUE BONDS AND OTHER OBLIGATIONS

SEC. 490. (a)(1) Subject to paragraph (2) of this subsection, the Council may by act or by resolution authorize the issuance of taxable and tax-exempt revenue bonds, notes, or other obligations to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of or for capital projects and other undertakings by the District or by any District instrumentality, or on behalf of any qualified applicant, including capital projects or undertakings in the areas of housing; health facilities; transit and utility facilities; manufacturing; sports, convention, and entertainment facilities; recreation, tourism and hospitality facilities; facilities to house and equip operations of the District government or its instrumentalities; public infrastructure development and redevelopment; elementary, secondary and college and university facilities; educational programs which provide loans for the payment of educational expenses for or on behalf of students; facilities used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and social services; water and sewer facilities (as defined in paragraph (5)); pollution control facilities; solid and hazardous waste disposal facilities; parking facilities, industrial and commercial development; authorized capital expenditures of the District; and any other property or project that will, as determined by the Council, contribute to the health, education, safety, or welfare, of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District, and any facilities or property, real or personal, used in connection with or supplementing any of the foregoing; lease-purchase financing of any of the foregoing facilities or property; and any costs related to the issuance, carrying, security, liquidity or credit enhancement of or for revenue bonds, notes, or other obligations, including, capitalized interest and reserves, and the costs of bond insurance, letters of credit, and guaranteed investment, forward purchase, remarketing, auction, and swap agreements. Any such financing, refinancing, or reimbursement may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be a special obligation of the District and shall be a negotiable instrument, whether or not such revenue bond, note, or other obligation is a security as defined in section 28:8-102(1)(a) of title 28 of the District of Columbia Code.

(3) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be paid and secured (as to principal, interest, and any premium) as provided by the act or resolution of the Council authorizing

the issuance of such revenue bond, note, or other obligation. Any act or resolution of the Council, or any delegation of Council authority under subsection (a)(6) of this section, authorizing the issuance of revenue bonds, notes, or other obligations may provide for (A) the payment of such revenue bonds, notes, or other obligations from any available revenues, assets, property (including water and sewer enterprise fund revenues, assets, or other property in the case of bonds, notes, or obligations issued with respect to water and sewer facilities), and (B) the securing of such revenue bond, note, or other obligation by the mortgage of real property or the creation of a security interest in available revenues, assets, or other property (including water and sewer enterprise fund revenues, assets, or other property in the case of bonds, notes, or obligations issued with respect to water and sewer facilities).

(4)(A) In authorizing the issuance of any revenue bond, note, or other obligation under paragraph (1) of this subsection, the Council may enter into, or authorize the Mayor to enter into, any agreement concerning the acquisition, use, or disposition of any available revenues, assets, or property. Any such agreement may create a security interest in any available revenues, assets, or property, may provide for the custody, collection, security, investment, and payment of any available revenues (including any funds held in trust) for the payment of such revenue bond, note, or other obligation, may mortgage any property, may provide for the acquisition, construction, maintenance, and disposition of the undertaking financed or refinanced using the proceeds of such revenue bond, note, or other obligation, and may provide for the doing of any act (or the refraining from doing of any act) which the District has the right to do in the absence of such agreement. Any such agreement may be assigned for the benefit of, or made a part of any contract with, any holder of such revenue bond, note, or other obligation issued under paragraph (1) of this subsection.

* * * * *

(5) In paragraph (1), the term “water and sewer facilities” means facilities for the obtaining, treatment, storage, and distribution of water, the collection, storage, treatment, and transportation of wastewater, storm drainage, and the disposal of liquids and solids resulting from treatment.

(6)(A) The Council may by act delegate to any District instrumentality the authority of the Council under subsection (a)(1) of this section to issue taxable or tax-exempt revenue bonds, notes, or other obligations to borrow money for the purposes specified in this subsection. For purposes of this paragraph, the Council shall specify for what undertakings revenue bonds, notes, or other obligations may be issued under each delegation made pursuant to this paragraph. Any District instrumentality may exercise the authority and the powers incident thereto delegated to it by the Council as described in the first sentence of this paragraph only in accordance with this paragraph and shall be consistent with this paragraph and the terms of the delegation.

(B) Revenue bonds, notes, or other obligations issued by a District instrumentality under a delegation of authority described in subparagraph (A) of this paragraph shall be issued by resolution of that instrumentality, and any such resolution shall not be considered to be an act of the Council.

(C) Nothing in this paragraph shall be construed as restricting, impairing, or superseding the authority otherwise vested by law in any District instrumentality.

(b) No property owned by the United States may be mortgaged or made subject to any security interest to secure any revenue bond, note, or other obligation issued under subsection (a)(1) of this section.

(c) Any and all such revenue bonds, notes, or other obligations issued under subsection (a)(1) of this section shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or taxing power of the District (other than with respect to any dedicated taxes) and shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings for purposes of section 602(a)(2).

* * * * *

(f) The fourth sentence of section 446 shall not apply to —

(1) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligations issued under subsection (a)(1) of this section;

(2) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued under subsection (a)(1) of this section;

(3) any amount obligated or expended pursuant to provisions made to secure any revenue bond, note, or other obligations issued under subsection (a)(1) of this section; and

(4) any amount obligated or expended pursuant to commitments made in connection with the issuance of revenue bonds, notes, or other obligations for repair, maintenance, and capital improvements relating to undertakings financed through any revenue bond, note, or other obligation issued under subsection (a)(1) of this section.

* * * * *

(h)(1) The Council may delegate to the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing or refinancing of undertakings in the area of utilities facilities, pollution control facilities, and water and sewer facilities (as defined in subsection (a)(5)). The Authority may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection.

(2) Revenue bonds, notes, and other obligations issued by the District of Columbia Water and Sewer Authority under a delegation of authority described in paragraph (1) shall be issued by resolution of the Authority, and any such resolution shall not be considered to be an act of the Council.

(3) The fourth sentence of section 446 shall not apply to—

(A) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued pursuant to this subsection;

(B) any amount obligated or expended for the payment of the principal of, interest, one, or any premium for any revenue bond, note, or other obligation issued pursuant to this subsection;

(C) any amount obligated or expended to secure any revenue bond, note, or other obligation issued pursuant to this subsection; or

(D) any amount obligated or expended for repair, maintenance, and capital improvements to facilities financed pursuant to this subsection.

(i) The revenue bonds, notes, or other obligations issued under subsection (a)(1) of this section are not general obligation bonds of the District government and shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in section 603(b).

(j) The issuance of revenue bonds, notes, or other obligations by the District where the ultimate obligation to repay such revenue bonds, notes, or other obligations is that of one or more non-governmental persons or entities may be authorized by resolution of the Council. The issuance of all other revenue bonds, notes, or other obligations by the District shall be authorized by act of the Council.

(k) During any control period (as defined in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), any act or resolution of the Council authorizing the issuance of revenue bonds, notes, or other obligations under subsection (a)(1) of this section shall be submitted to the District of Columbia Financial Responsibility and Management Assistance Authority for certification in accordance with section 204 of that Act. Any certification issued by the Authority during a control period shall be effective for purposes of this subsection for revenue bonds, notes, or other obligations issued pursuant to such act or resolution of the Council whether the revenue bonds, notes, or other obligations are issued during or subsequent to that control period.

(l) The following provisions of law shall not apply with respect to property acquired, held, and disposed of by the District in accordance with the terms of any lease-purchase financing authorized pursuant to subsection (a)(1) of this section:

(1) The Act entitled "An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes", approved August 5, 1939 (53 Stat. 1211; D.C. Code sec. 9-401 et seq.).

(2) Subchapter III of chapter 13 of title 16, District of Columbia Code.

(3) Any other provision of District of Columbia law that prohibits or restricts lease-purchase financing.

(m) For purposes of this section, the following definitions shall apply:

(1) The term "revenue bonds, notes, or other obligations" means special fund bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) used to borrow money to finance, assist in financing, refinance, or repay, restore or reimburse moneys used for purposes referred to in subsection (a)(1) of this section the principal of and interest, if any, on which are to be paid and secured in the manner described in this section and which are special obligations and to which the full faith and credit of the District of Columbia is not pledged.

(2) The term "District instrumentality" means any agency or instrumentality (including an independent agency or instrumentality), authority, commission, board, department, division, office, body, or officer of the District of Columbia government duly established by an act of the Council or by the laws of the United States, whether established before or after the date of enactment of the District of Columbia Bond Financing Improvements Act of 1997.

(3) The term "available revenues" means gross revenues and receipts, other than general fund tax receipts, lawfully available for the purpose and not otherwise exclusively committed to another purpose, including enterprise funds, grants, subsidies, contributions, fees, dedicated taxes and fees, investment income and proceeds of revenue bonds, notes, or other obligations issued under this section.

(4) The term "enterprise fund" means a fund or account for operations that are financed or operated in a manner similar to private business enterprises, or established so that separate determinations may more readily be made periodically of revenues earned, expenses incurred, or net income for management control, accountability, capital maintenance, public policy, or other purposes.

(5) The term "dedicated taxes and fees" means taxes and surtaxes, portions thereof, tax increments, or payments in lieu of taxes, and fees that are dedicated pursuant to law to the payment of the debt service on revenue bonds, notes, or other obligations authorized under this section, the provision and maintenance of reserves for that purpose, or the provision of working capital for or the maintenance, repair, reconstruction or improvement of the undertaking to which the revenue bonds, notes, or other obligations relate.

(6) The term "tax increments" means taxes, other than the special tax provided for in § 47-331 and pledged to the payment of general obligation indebtedness of the District, allocable to the increase in taxable value of real property or the increase in sales tax receipts, each from a certain date or dates, in prescribed areas, to the extent that such increases are not otherwise exclusively committed to another purpose and as further provided for pursuant to an act of the Council. (Amended, Dec. 28, 1977, 91 Stat. 1612, Pub. L. 95-218; Apr. 12, 1980, 94 Stat. 335, Pub. L. 96-235; Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 16; Oct. 15, 1982, 96 Stat. 1614, Pub. L. 97-328; Aug. 6, 1996, 110 Stat. 1696, Pub. L. 104-184, §§ 2(a), 2(b), 2(c)(1); Aug. 5, 1997, 111 Stat. 773, Pub. L. 105-33, § 11508.)

Effect of amendments. — Section 2(a) of Pub. L. 104-184, 110 Stat. 1696, in the first sentence in (a)(1), deleted "and" preceding "industrial" and added "and water and sewer facilities (as defined in paragraph (5))" at the end; and added (a)(5).

Section 2(b) of Pub. L. 104-184, 110 Stat. 1696, inserted "(including water and sewer enterprise fund revenues, assets, or other property in the case of bonds, notes, or obligations

issued with respect to water and sewer facilities)" in (a)(3)(A) and (B).

Section 2(c)(1) of Pub. L. 104-184, 110 Stat. 1696, added (h).

Section 11508 of Pub. L. 105-33 rewrote the section.

References in text. — The "date of enactment of the District of Columbia Bond Financing Improvements Act of 1997," referred to in (m)(2), is August 5, 1997.

TITLE V — FEDERAL PAYMENT

SEC. 501 to 503. Duties of the Mayor, Council, and Federal Office of Management and Budget; Authorization of Appropriations; Federal Payment Formula. Repealed. August 5, 1997, 111 Stat. 777, 105 Pub. L. 33, § 11601(a)(1).

Historical Citations — The legislative history of these sections is as follows:

Sec. 501. Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198.

Sec. 502. Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198; amended Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(7); Aug. 6, 1981, 95 Stat. 150, Pub. L. 97-30; Oct. 15, 1982, 96 Stat. 1626, Pub. L. 97-334; Aug. 2, 1983, 97 Stat. 367, Pub. L. 98-65; June 12, 1984, 98 Stat. 242, Pub. L.

98-316; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 9(c)(2); Dec. 12, 1989, 103 Stat. 1901, Pub. L. 101-223, § 2(a); Aug. 17, 1991, 105 Stat. 495, Pub. L. 102-102, § 2(a).

Sec. 503. Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198; added Aug. 17, 1991, 105 Stat. 495, Pub. L. 102-102; Amended, Oct. 19, 1994, 108 Stat. 3488, Pub. L. 103-373, § 2; Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 301(e).

TITLE VI — RESERVATION OF CONGRESSIONAL AUTHORITY

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to —

* * * * *

(8) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia;

(9) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners), or with respect to any criminal offense pertaining to articles subject to regulation under chapter 32 of title 22 during the forty-eight full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office; or

(10) enact any act, resolution, or rule with respect to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

* * * * *

(c)

* * * * *

(3) The Council shall submit with each Act transmitted under this subsection an estimate of the costs which will be incurred by the District of Columbia as a result of the enactment of the Act in each of the first 4 fiscal years for which the Act is in effect, together with a statement of the basis for such estimate. (Amended, Sept. 7, 1976, 90 Stat. 1220, Pub. L. 94-402; Oct. 27, 1978, 92 Stat. 2023, Pub. L. 95-526; Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 17; Oct. 12, 1984, 98 Stat. 1837, Pub. L. 98-473, § 131(d)-(g); Apr. 17, 1995, 109 Stat. 107, 142, Pub. L. 104-8, §§ 108(b)(2), 301(d)(1).)

Effect of amendments. — Section 108(b)(2) of Pub. L. 104-8, 109 Stat. 107, added (a)(10) and made related stylistic changes in (a)(8) and (a)(9).

Section 301 (d)(1) of Pub. L. 104-8, 109 Stat. 142, added (c)(3).

References in text. — Section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, referred to in (a)(10), is § 101(a) of Pub. L. 104-8, 109 Stat. 100, which is codified as § 47-391.1(a).

Application of § 301(d)(1) of Pub. L. 104-8. — Section 301(d)(2) of Pub. L. 104-8, 109 Stat. 142, provided that the amendment made by paragraph (1) shall apply to Acts of the Council transmitted on or after October 1, 1995.

Treatment of debts created for preconstruction activities related to Gallery Place Sports Arena. — Section 201(b) of Pub. L. 104-28, 109 Stat. 268 provided that debts created under § 47-398.1(a) shall not:

(1) be considered general obligation debt of the District of Columbia for any purpose, including the limitation on the annual aggregate limit on debt of the District of Columbia under section 603(b) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-313(b), D.C. Code);

(2) constitute the lending of the public credit for private undertakings for purposes of section 602(a)(2) of such Act (sec. 1-233(a)(2), D.C. Code); or

(3) be a pledge of or involve the full faith and credit of the District of Columbia.

BUDGET PROCESS; LIMITATIONS ON BORROWING AND SPENDING

SEC. 603.

* * * * *

(b)(1) No general obligation bonds (other than bonds to refund outstanding indebtedness) or Treasury capital project loans shall be issued during any fiscal year in an amount which would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such Treasury loans, to exceed 17 per centum of the District revenues (less any fees or revenues directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the purposes of water and sewer facilities described in section 490(a) (including fees or revenues directed to servicing or securing revenue bonds issued for such purposes), retirement contributions, revenues from retirement systems, and revenues derived from such Treasury loans and the sale of general obligation or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year in which the bonds will be issued. Treasury capital project loans include all borrowings from the United States Treasury, except

those funds advanced to the District by the Secretary of the Treasury under the provisions of title VI of the District of Columbia Revenue Act of 1939.

(2) Obligations incurred pursuant to the authority contained in the District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code title 2, chapter 17, subchapter II), obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, and obligations incurred pursuant to general obligation bonds of the District of Columbia issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility Administration capital projects, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the preceding subsection.

(3) The 17 per centum limitation specified in paragraph (1) shall be calculated in the following manner:

(A) Determine the dollar amount equivalent to 17 percent of the District revenues (less any fees or revenues directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the purposes of water and sewer facilities described in section 490(a) (including fees or revenues directed to servicing or securing revenue bonds issued for such purposes), retirement contributions, revenues from retirement systems, and revenues derived from such Treasury loans and the sale of general obligation or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year for which the bonds will be issued.

(B) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds (less the allocable portion of principal and interest to be paid during the year on general obligation bonds of the District of Columbia issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility Administration capital projects) and such Treasury loans.

* * * * *

(c) Except as provided in subsection (f), the Council shall not approve any budget which would result in expenditures being made by the District Government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. The budget shall identify any tax increases which shall be required in order to balance the budget as submitted. The Council shall be required to adopt such tax increases to the extent its budget is approved.

(d) Except as provided in subsection (f), the Mayor shall not forward to the President for submission to Congress a budget which is not balanced according to the provision of subsection 603(c).

* * * * *

(f) In the case of a fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), the Council may not approve, and the Mayor may not forward to the President, any budget which is not consistent with the financial plan and budget established for the fiscal year under subtitle A of title II of

such Act. (Amended by implication, Sept. 13, 1982, 96 Stat. 1067, Pub. L. 97-258, § 4(b); amended, Apr. 17, 1995, 109 Stat. 115, Pub. L. 104-8, § 202(f)(1); Aug. 6, 1996, 110 Stat. 1697, Pub. L. 104-184, § 3; Aug. 5, 1997, 111 Stat. 754, Pub. L. 105-33, §§ 11243(e) and 11601(b)(1)(C), (D).)

Effect of amendments. — Section 202(f)(1) of Pub. Law 104-8, 109 Stat. 115, added “Except as provided in subsection (f)” at the beginning of (c) and (d); and added (f).

Section 3 of Pub. L. 104-184, 110 Stat. 1697, inserted “any revenues, charges, or fees ... for such purposes)” in (b)(1) and (b)(3)(A); in (b)(2), deleted “and” preceding “obligations incurred by” and inserted “and obligations incurred pursuant ... Utility Administration capital projects”; and inserted the parenthetical language in (b)(3)(B).

Section 11243(e) of Pub. L. 105-33, in (b)(1), rewrote the first and second sentences; in (b)(3)(A), substituted “less any fees” for “less court fees”; and in (c), deleted the last sentence relating to budget estimates of the District of Columbia courts.

Section 11601(b)(1) of Pub. L. 105-33, 111 Stat. 777, in (c), deleted the former fourth sentence; and in (f)(1), deleted “other than the fourth sentence” following “Subsection (c) of this section.”

Section 11602(b) of Pub. L. 105-33, 111 Stat. 779, rewrote (f).

Both §§ 11601(b)(1)(D) and 11602(b) of Pub. L. 105-33, 111 Stat. 779, amended (f). Neither amendment referred to the other, and effect has been given to the amendment made by § 11602(b).

Section 11604 of Pub. L. 105-33, 111 Stat. 780, in (b)(1) and (b)(3)(A), substituted “17 per centum” for “14 per centum” and “14 percent.”

References in text. — The “District of Co-

lumbia Revenue Act of 1939,” referred to in (b)(1), is Pub. L. 76-225, 53 Stat. 1118, approved July 26, 1939.

Section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, referred to in the introductory language of (f), is § 305(4) of Pub. L. 104-8, 109 Stat. 152, which is codified as § 47-393(4).

Subtitle A of Title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, referred to in (f)(2), is subtitle A of title II of Pub. L. 104-8, 109 Stat. 108, which is codified as subpart B of subchapter VII of Chapter 3 of Title 47 (§§ 47-392.1 through 47-392.9).

Treatment of debts created for preconstruction activities related to Gallery Place Sports Arena. — Section 201(b) of Pub. L. 104-28, 109 Stat. 268 provided that debts created under § 47-398.1(a) shall not:

(1) be considered general obligation debt of the District of Columbia for any purpose, including the limitation on the annual aggregate limit on debt of the District of Columbia under section 603(b) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-313(b), D.C. Code);

(2) constitute the lending of the public credit for private undertakings for purposes of section 602(a)(2) of such Act (sec. 1-233(a)(2), D.C. Code); or

(3) be a pledge of or involve the full faith and credit of the District of Columbia.

TITLE VII — REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART D—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 731.

References in text. — The “Executive Protection Service”, referred to in subsection (c) was changed to “United States Secret Service

Uniformed Division” by the Act of November 15, 1977, 91 Stat. 1371, Pub. L. 95-179.

NATIONAL CAPITAL SERVICE AREA

SEC. 739.

References in text. — The “Executive Protective Service”, referred to in subsection (e)(1) was changed to “United States Secret Service

Uniformed Division” by the Act of November 15, 1977, 91 Stat. 1371, Pub. L. 95-179.

REORGANIZATION PLAN NO. 2 OF 1982

Transfer of the Office of the Surveyor. — Sections 5002 through 5004 of D.C. Law 12-261 provided that pursuant to this section, the Office of the Surveyor, in the Department of Public Works (“DPW”), established by Reorganization Plan No. 2 of 1982, effective December 8, 1982, and transferred to DPW under Reorganization Plan No. 4 of 1983, effective March 1, 1984, is hereby transferred to the Department of Consumer and Regulatory Affairs (“DCRA”). The purpose of the transfer is to

provide for the more efficient operation of the Office of the Surveyor and the development process in the District of Columbia. All of the duties and functions assigned or delegated to the existing office of the Surveyor in DPW, are hereby transferred to the Office of the Surveyor in DCRA, along with all positions, property, records, and unexpended balances of appropriation, allocations and other funds available or to be made available relating to the above functions.

REORGANIZATION PLAN NO. 4 OF 1983

Emergency act amendments. — For emergency transfer to the Department of Motor Vehicles of all positions, personnel, property, records, and unexpended balances of funds made available to the Department of Public Works for vehicle and driver licensing, registration, and control functions, see § 40-155.

Transfer of real management functions. — As to the transfer of resources available for real property management functions from the Department of Administrative Services to the Office of Property Management, see § 9-1104.

Transfer of resources. — Section 1826 of D.C. Law 12-175 provided that all personnel, property, records, and funds available to the Department of Public Works for the vehicle and driver licensing, registration, and control functions set out in the Plan are hereby transferred to the Department of Motor Vehicles.

Transfer of resources. — Section 1415 of D.C. Act 12-564 provided for emergency transfer to the Office of the Chief Technology Officer of all positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Chief Information Officer in the Office of the city Administrator pursuant to § 1-1182.9, or to the Department of Administrative Services for the information technology and telecommunications purposes and functions described in this Reorganization Plan.

Transfer of functions. — Section 1826 of D.C. Law 12-175 provided that all of the functions assigned and authorities delegated to the Department of Public Works, with respect to issuing regulations for and administering motor vehicles services, except for parking services functions, as set for in section III(H) are hereby transferred to the Department of Motor Vehicles.

Transfer of the Office of the Surveyor. — Sections 5002 through 5004 of D.C. Law 12-261 provided that pursuant to this section, the Office of the Surveyor, in the Department of Public Works (“DPW”), established by Reorganization Plan No. 2 of 1982, effective December 8, 1982, and transferred to DPW under Reorganization Plan No. 4 of 1983, effective March 1, 1984, is hereby transferred to the Department of Consumer and Regulatory Affairs (“DCRA”). The purpose of the transfer is to provide for the more efficient operation of the Office of the Surveyor and the development process in the District of Columbia. All of the duties and functions assigned or delegated to the existing office of the Surveyor in DPW, are hereby transferred to the Office of the Surveyor in DCRA, along with all positions, property, records, and unexpended balances of appropriation, allocations and other funds available or to be made available relating to the above functions.

REORGANIZATION PLAN NO. 5 OF 1983

Emergency act amendments. — For emergency transfer to the Office of Property Man-

agement of all positions, personnel, property, records, and unexpended balances of funds

available to the Department of Administrative Services for real property management functions, see § 9-1104.

Transfer of functions. — As to the transfer of functions assigned and authorities delegated to the Department of Public Works to the Office of Property Management, see § 9-1104.

Department of Administrative Services abolished — Section 1808 of D.C. Law 12-175 abolished the Department of Administrative Services, established under Reorganization

Plan No. 5 of 1983, pursuant to § 404(b) of the District of Columbia Home Rule Act, (D.C. Code § 1-227(b)).

Transfer of resources. — For the transfer of positions, personnel, property, records, and funds available to the Department of Administrative Services for the information technology and telecommunications purposes set out under this Plan, to the Office of the Chief Technology Officer, see § 1-1195.4.

REORGANIZATION PLAN NO. 1 OF 1992

(Approved July 2, 1992)

Prepared by the Mayor and transmitted to the Council of the District of Columbia on July 2, 1992, pursuant to the provisions of Section 422(12) of the District Charter, District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-242(12)).

I. ESTABLISHMENT

An Unclaimed Property Unit is hereby established in the Executive Branch of the Government of the District of Columbia, under the supervision and control of the District of Columbia Controller within the Office of the District of Columbia Controller of the Office of Financial Management. The Unclaimed Property Unit hereby established, and the functions and personnel assigned thereto, shall constitute an organizational unit of the Office of the District of Columbia Controller.

II. PURPOSE

The Unclaimed Property Unit is established in the Office of the District of Columbia Controller, under the supervision and control of the District of Columbia Controller, for the purpose of more efficiently operating the Government of the District of Columbia. To effect the enhancement of the District government's efficiency, the Unclaimed Property Unit will be aligned with the Office of the District of Columbia Controller, the office that is responsible for the District's financial management and control and that maintains the District's official accounts.

III. FUNCTIONS

All of the duties and functions of the Unclaimed Property Unit in the Department of Finance and Revenue established under The District of Columbia Uniform Disposition of Unclaimed Property Act, as amended, effective March 5, 1981 (D.C. Law 3-160; D.C. Code, sec. 42-201 *et seq.*) ("the Act"), the rules issued pursuant thereto and Mayor's Order 81-82, dated March 27, 1981, 28 DCR 1740 (April 17, 1981) which delegated to the Department of Finance and Revenue, the Mayor's authority to administer the Act and to issue rules are hereby transferred to the Office of the District of Columbia Controller within the Office of Financial Management.

IV. TRANSFERS

All positions, property, records and funds relating to the duties and functions transferred in this plan are hereby transferred to the Office of the District of Columbia Controller.

V. ORGANIZATION

The District of Columbia Controller of the Office of the District of Columbia Controller is authorized to organize the personnel and property transferred herein within any organizational unit as he or she deems appropriate to fulfill the functions transferred by this plan.

VI. ABOLISHMENT

The existing Unclaimed Property Unit within the Department of Finance and Revenue is hereby abolished.

VII. RESCISSION

All orders and parts of orders in conflict with any of the provisions of this plan are, to the extent of such conflict, hereby repealed, except that any rules or regulations adopted or promulgated by virtue of the authority granted by such orders, shall remain in force until properly revised, amended or rescinded.

VIII. EFFECTIVE DATE

This Reorganization Plan No. 1 of 1992 shall become effective on a date to be specified by an executive order of the Mayor issued no later than 30 calendar days after this plan has been approved in accordance with the requirements of section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-242(12)), and section 5(c) of the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, sec. 1-299.4(c)).

MAYOR'S STATEMENT

The Unclaimed Property Unit of the Audit, Compliance and Investigation Administration of the Department of Finance and Revenue is responsible for the collection and maintenance of all abandoned tangible and intangible personal property reported and delivered to the Mayor for safekeeping and fiscal growth of the District of Columbia pursuant to the Uniform Disposition of Unclaimed Property Act of 1980, as amended, effective March 5, 1981 (D.C. Law 3-160; D.C. Code, sec. 42-201 *et seq.*). In addition, the Unclaimed Property Unit is required to attempt to locate and return the unclaimed property to the rightful owner.

To date, the Unclaimed Property Unit has collected approximately \$47 million and has returned approximately \$4 million to the rightful owners. As

a result, over \$42 million have been contributed to the fiscal development of the District of Columbia since the creation of the program.

I am committed to the most efficient operation of the District government. To this end, I submit herewith, Reorganization Plan No. 1 of 1992 that would transfer the functions of administering the District of Columbia's unclaimed property program from the Department of Finance and Revenue to the Office of the District of Columbia Controller within the Office of Financial Management. The Reorganization Plan would transfer the entire Unclaimed Property Unit, including its staff of seven persons, its property, records and funding to the Office of the District of Columbia Controller.

To enhance the efficiency of the District government's operation, the reorganization would align the Unclaimed Property Unit with the Office of the District of Columbia Controller, the office within the District government that is responsible for the financial management of the District and that maintains the official accounts of the District.

The Unit's current alignment within the Department of Finance and Revenue does not conform to the Department's general mission: tax administration. Although the unclaimed property program produces revenue for the District, it is not a tax program. Instead, it is more appropriately characterized first, as a financial management and fiduciary service which the District renders to persons who have abandoned their property within our jurisdiction and then second, as a program that generates revenue for the District. Consequently, it is more efficient to place the program in the office that is charged with the management and control of the District's financial affairs.¹

REORGANIZATION PLAN NO. 2 OF 1992

(Effective October 1, 1992)

Prepared by the Mayor and transmitted to the Council of the District of Columbia, pursuant to the provisions of Section 422(12) of the Charter of the District of Columbia.

DISTRICT OF COLUMBIA OFFICE OF TOURISM AND PROMOTIONS

I. ESTABLISHMENT

The Office of Tourism and Promotions ("Office") is hereby established in the Executive Branch of the Government under the Deputy Mayor for Economic Development (DMED). The Office shall be supervised and administered by a Director who shall be appointed by the Mayor to a position in the Executive Service pursuant to Title X of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139, effective March 3, 1979, (D.C. Code Sections 1-611.1 — 1.611.2), and subject to the advice and consent of the Council. The Mayor's Special Assistant for Tourism shall be the Acting Director pending confirmation by the Council.

¹Only 12 other states in the country have their unclaimed property programs within their Departments of Finance and Revenue or Departments of Revenue, while 25 states administer their programs through their Treasury Departments or Controller's Offices.

II. PURPOSE

The purpose of the Office is to increase revenues generated by tourism and related promotional, leisure and entertainment activities. The Office of Tourism and Promotions will coordinate the economic development efforts of the city in the areas of tourism and conventions and will better serve local firms engaged in the tourism industry by providing a more efficient delivery of public services.

The Office coordinates the development of an integrated advertising, marketing and promotional plan for the District which will lead to increased business and leisure travellers to the District. Travellers will be encouraged to patronize Washington business establishments, thereby increasing employment and business opportunities for District residents and businesses. Every effort will be made to stimulate increased opportunities for small, minority and women-owned District-based businesses.

This Office shall also have the responsibility for promoting Washington, D.C., as a venue for film, television and recording production. Promotion of Washington, D.C., as a site for entertainment-related business activities fits neatly with tourism promotion. Out-of-state film, television and record companies need to be "sold" on Washington, D.C.

The monuments and other attractions, affordable hotel and guest accommodations, and neighborhood diversity are all selling points to be emphasized by both the tourism and entertainment functions in District government. These functions will be jointly promoted under the Office of Tourism and Promotions.

III. ORGANIZATION

The Director shall be appointed by the Mayor and shall report to the Deputy Mayor for Economic Development. The Director shall have oversight responsibility for the D.C. Committee to Promote Washington and the Office of Motion Picture and Television Development.

The Director shall initially hire two staff persons to carry out the functions of this Office. As need is demonstrated, justified and approved through budget authorization, additional staff may be hired to carry out the functions of the Office of Tourism and Promotions.

IV. FUNCTIONS

- A. The functions of the Office of Tourism and Promotions shall be to:
1. Coordinate and manage all District government activity related to tourism, convention and business travel and related promotional activities;
 2. Serve as the Mayor's liaison to District agencies on issues affecting tourism and conventions;
 3. Serve as a liaison to those agencies that affect the development or use of tourism attractions;
 4. Maintain oversight on the use of Hotel Occupancy Tax ("HOT") dollars by promotional agencies, including the D.C. Committee to Promote Washington, the Washington, D.C. Convention and Visitors Association, the D.C. Chamber of Commerce and the Washington Convention Center;

5. Serve as liaison between government and the aforementioned agency recipients of HOT funds;

6. Insure that the Mayor's priorities relating to tourism and convention activities are conveyed to interested organizations and citizens;

7. Serve as the representative of the Mayor for tourism, promotion and convention related functions;

8. Arrange meetings, workshops, conferences and receptions to achieve the goals outlined in Section 2. above;

9. Encourage and assist in the coordination of activities that promote or create attractions in the District for the tourist or business traveller; and

10. Work to stimulate employment and economic development activities through tourism, entertainment and convention enterprises.

B. All functions heretofore performed by the Mayor's Special Assistant for Tourism are transferred to the Office of Tourism and Promotions.

V. TRANSFERS

All positions, property, records and unexpended balances of appropriations, allocation, and other funds available or to be made available relating to the duties and functions assigned herein are transferred to the Office of Tourism and Promotions. This includes all positions, budget and other available resources currently held in the Office of Business and Economic Development and allocated to the Office of Motion Picture and Television Development and to the D.C. Committee to Promote Washington.

VI. ABOLISHMENT

The position of Mayor's Special Assistant for Tourism is abolished.

VII. EFFECTIVE DATE

This Reorganization Plan No. 2 of 1992 shall become effective on October 1, 1992, following Council review, in accordance with Section 422(12) of P.L. 93-198.

MAYOR'S STATEMENT

The tourism industry is the heartbeat of private enterprise in the District of Columbia. Tourism is responsible for generating approximately \$3 billion dollars in the District in annual revenues. The tourist industry generates much of the activity and business of our city and, for that reason, it is a priority in my economic development strategy.

More than 19 million visitors came to Washington, D.C. in 1991 for vacation purposes. Those leisure visitors who stay overnight, stay in Washington an average of 2.9 nights. An estimated 1.68 million of these overnight leisure visitors stay in the District of Columbia hotels producing 2,230,000 hotel room nights for the city. In addition to dollars spent in over 88 hotels, these visitors

spend millions of dollars in the District of Columbia retail establishments, restaurants, theaters and on city transportation.

While our neighboring jurisdictions become more aggressive, the District cannot afford to stand still. The Office of Tourism and Promotions will work to make Washington, D.C., visitor-friendly. We must help neighborhoods become more aware of strategies to encourage visitors to move away from the monumental core and visit the other sections of the District. The government will place more signs in key locations to direct and inform the visitors. We must establish a first class visitor's center; we have to provide more parking for tour buses, and information for those who use tour bus companies.

The District of Columbia cannot rest on its laurels; nor can this government wait for business and leisure travellers to come to our city. The pursuit of the travel dollar is becoming an increasingly competitive strategy among U.S. jurisdictions and international destinations. The state of Virginia spends 10 million dollars annually on tourism promotions. It is no accident that we are familiar with its theme "Virginia is for Lovers." Their national and international advertising budget is \$5.5 million, almost 5 times the amount of money expended by the District of Columbia government.

It is no accident that we know New York state's theme "I Love New York." Approximately ten years ago in the midst of a spate of negative publicity about the safety of New York City, the state legislators voted to support a phenomenal increase in tourism promotion dollars. This action successfully increased the number of visitors and revenue they generated.

This administration will promote tourism as a vehicle for increasing the tax base. It is estimated that tourism generates over \$235 million in tax revenue for the District of Columbia each year. This is new money, completely derived from outside sources, that is poured into Washington's coffers. These funds are used to improve the quality of life for all District residents.

We have to encourage Washington Dulles International Airport to solicit more international flights that bring high spending visitors to our Nation's Capital. We are reviewing our tour guide examination process which is more than 20 years old. We must inform our taxi drivers, our police, our parking enforcement officers and other front line personnel that tourism is good for our city. Our visitors must be treated with courtesy and respect to encourage travellers to return. These are programs the Office of Tourism and Promotions will coordinate.

The District Government must spend more dollars on tourism promotion. I appreciate the Council's support of \$700,000 in general revenue funds to be appropriated to the Washington Convention Center Enterprise Fund. These funds will be used by the D.C. Committee to Promote Washington to sustain the Committee's national and international advertising campaigns. I know the Council realizes that even with this appropriation, the District of Columbia will rank barely thirtieth (30th) out of fifty (50) states in comparison to the amount of money expended by other states on advertising. During the next fiscal year, we hope to come up with a city theme that will be adopted by individual hotels and businesses who will do their part to promote Washington, D.C., as a place to visit in the minds of potential travellers.

I have frequently stated my desire to make Washington, D.C., an entertainment hub. My enthusiasm for this industry is rooted in the economic benefits

of entertainment-related activities. We must do a better job of promoting those entertainment venues like the Kennedy Center, the National Theatre, and Carter Barron. We must bring more international sporting events to our city, e.g., World Cup Soccer and Tour Du Pont. These events generate dollars and provide recreation for our residents and visitors. These events also create contracting opportunities for District based businesses and jobs for city residents.

Because our society is fascinated with sports and entertainment, media outlets tend to cover these events more. World Cup Soccer will be viewed internationally by an estimated 26 billion viewers. The District could not, on its own, afford to purchase that kind of advertising. Tour Du Pont, in its first year in Washington, D.C., was carried by CBS sports and ESPN cable live, reaching more than 10 million households.

Several motion pictures have been filmed in Washington, D.C., as a result of the successful efforts of the Mayor's Office of Motion Picture and Television Development. When productions are filmed here, revenue is generated for electricians, make-up artists, sound mixers, video companies, construction crews, truckers, caterers, etc. In addition, because of Washington's distinctive skyline, filming in our city also advertises the unique attractions of our city. The City Council wisely voted to expand staffing and increase our capacity to generate over \$30 million in annual revenues for local businesses and the District's revenue fund.

We have tremendous resources and talents within our borders. My objective is to set priorities in cooperation with key business leaders affected by these programs so that real economic benefits can occur. The public/private partnership between the District government and the Hotel Association on the Convention Center expansion is but one of many examples that we will initiate to achieve our objectives.

I know that with your support our goals will be achieved and that the potential of tourism and entertainment promotion in Washington, D.C., will be realized.

Transfer of functions. — Section 1834 of D.C. Law 12-175 provided for the transfer of all authorities, responsibilities, and functions assigned to the Office of Tourism and Promotions, including oversight responsibility for the D.C. Committee to Promote Washington and the Office of Motion Picture and Television Development to the Economic Development Liaison Office.

Office of Tourism and Promotions abolished. — Section 1834 of D.C. Law 12-175, effective October 1, 1998, abolished the Office of Tourism and Promotions.

For emergency provisions abolishing the Office of Tourism and Promotions, and the trans-

fer of the authorities, responsibilities, and functions of that Office to the Economic Development Liaison Office, see § 1434 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794) and § 1434 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669).

Implementation of Reorganization Plan No. 2 of 1992, Establishment of the District of Columbia Office of Tourism and Promotions. — See Mayor's Order 93-81, June 21, 1993.

REORGANIZATION PLAN NO. 3 OF 1992

(Approved January 20, 1993)

Prepared by the Mayor and transmitted to the Council of the District of Columbia, pursuant to the provisions of section 422(12) of the District of

Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Pub. L. 93-198; D.C. Code § 1-242(12) (1992)), the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code § 1-299.1 through § 1-299.7), and § 128 of the Fiscal Year 1993 Budget Request Act (D.C. Act 9-186; 39 DCR 2674, 2686, April 17, 1992).

DISTRICT OF COLUMBIA OFFICE OF BANKING AND FINANCIAL INSTITUTIONS

I. TRANSFER OF OBFI CONTROL CENTER

The D.C. Office of Banking and Financial Institutions ("OBFI") is hereby transferred from the Deputy Mayor for Economic Development ("DMED") control center to a separate OBFI control center/responsibility center. OBFI will continue to be administered by the Superintendent and will remain a part of the economic development cluster reporting to the Mayor.

II. PURPOSE

The purpose of this plan is to transfer the OBFI budget from the budget of the DMED to a separate OBFI responsibility/control center.

III. ORGANIZATION

There will be a transfer of OBFI's budget to a separate control/responsibility center. No organizational staffing or funding changes will occur at OBFI as a consequence of this shift other than the transfer of the authorization for one full time employee from the Office of International Business, a transfer of \$18,000 to fund that position from the Office of Business and Economic Development, plus an overall budget increase of \$68,000, all of which was approved by the Council in the FY 93 budget.

IV. FUNCTIONS

OBFI's functions are contained in the District of Columbia Regional Interstate Banking Act of 1985 Amendments Act of 1985, D.C. Law 6-107, effective April 11, 1986, codified in chapters 1, 4, 5, and 8 of title 26 of the D.C. Code (1991). These statutory duties of OBFI will remain unchanged as a result of this transfer.

V. EFFECTIVE DATE

This Reorganization Plan No. 3 of 1992 becomes effective the later of the date of Council approval in accordance with § 128 of the Fiscal Year of 1993 Budget Request Act (D.C. Act 9-186), or on a date thereafter to be designated pursuant to Executive Order of the Mayor.

MAYOR'S STATEMENT

This Administration has made economic development a chief priority. As regulator of the District's financial institutions, the Office of Banking and

Financial Institutions ("OBFI") has played a vital role in fostering economic development for the District, particularly for low- and moderate-income areas and those areas of the District which are traditionally underserved.

To further augment OBFI's pivotal role in effectuating the economic development cluster goals, we propose that OBFI become a separate control center, as distinguished from the current situation in which the OBFI budget is a part of the Deputy Mayor for Economic Development ("DMED") control center.

This shift will not result in any changes to the functions, staff or budget of OBFI. Nevertheless, it has become clear that OBFI's significant contributions to the economic development goals of the District warrant the creation of a distinct OBFI control center, comparable to other state banking regulators and on par with the other economic development cluster agencies.

I urge the Council to join me in establishing a separate control center for OBFI, by approving this Reorganization Plan.

REORGANIZATION PLAN NO. 2 OF 1993

(Approved July 21, 1993)

Prepared by the Mayor and transmitted to the Council of the District of Columbia pursuant to the provisions of Section 422(12) of the District Charter.

OFFICE OF THE ASSISTANT CITY ADMINISTRATOR FOR HUMAN RESOURCES DEVELOPMENT

I. ESTABLISHMENT

There is hereby established in the Executive Office of the Mayor, the "Office of the Assistant City Administrator for Human Resources Development" under the direction and control of an Assistant City Administrator who shall be appointed by the Mayor to a position in the Executive Service pursuant to Title X of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139, effective March 3, 1979, (D.C. Code Sections 1-611.1 to 1-611.2).

II. PURPOSE

The purpose of the Office of the Assistant City Administrator for Human Resources Development is to coordinate the activities of the Human Resources Development Cluster to provide training and employment services for both District Government employees and residents to meet the technological demands of today's and tomorrow's workplace.

III. FUNCTIONS

The functions of the Office of the Assistant City Administrator for Human Resources Development shall be to:

- (1) Establish a Human Resources Development Cluster of District government agencies;
- (2) Provide oversight for and coordinate the activities of the Human Resources Development Cluster;

(3) Plan and coordinate training and employment services to be provided by the Human Resources Development Cluster to District Government employees and residents;

(4) Plan and coordinate effective human resource management programs through the Office of Personnel;

(5) Review the negotiation of compensation and working condition agreements affecting District government employees through the Office of Labor Relations;

(6) Develop and coordinate job training and development programs; job placement programs; workers' compensation programs for injured workers; an unemployment compensation program; a wage-hour program; an occupational safety and health program; and compensation to crime victims through the Department of Employment Services;

(7) Serve as the liaison to the education community and to administer the Office of Education licensing functions through the Office of Education and the Educational Licensure Commission; and

(8) Coordinate the Human Rights functions of the Department of Human Rights and Minority Business Development.

IV. TRANSFERS

All positions, personnel, records, unexpended balances of appropriation and functions of the Office of Human Resources Development in the Office of Personnel are hereby transferred to the Office of the Assistant City Administrator for Human Resources development.

V. ORGANIZATION

The Assistant City Administrator for Human Resources Development is authorized to organize personnel and property within the Office of the Assistant City Administrator as is deemed appropriate.

VI. EFFECTIVE DATE

The provisions of this plan shall become effective pursuant to the requirements of Section 422(12) of Public Law 93-198, or on a date thereafter to be designated pursuant to Executive Order of the Mayor.

MAYOR'S STATEMENT

The Office of the Assistant City Administrator for Human Resources Development, to be created in 1993, will have oversight of all Human Resources Development Cluster agencies and their functions. Funding for the Office of the Assistant City Administrator was proposed in the revised FY 1993 and FY 1994 budget submissions and transmitted to the City Council in February, 1993.

The overall mission of the Office of the Assistant City Administrator for Human Resources Development is to coordinate training and development services provided to both Government employees and residents of the District to meet the technological demands of today's and tomorrow's workplace. The

people of this city are its most precious commodity and they have a much greater capacity for productivity than has been realized. The greatest missing factor is investment in their potential to make them more competitive. Quality results begin with a quality investment in our human resources which is key to addressing many of our complex social and economic problems in the District. Presently, there is a mismatch between the technical demands of the marketplace and the skills and abilities of our government employees, as well as our citizens. The Human Resources Development Cluster agencies would educate, train, and retrain our workforce to confidently meet the demands of our highly technological environment. Local government sets the tone for economic development and our commitment to a well trained government and local workforce will be a tremendous marketing asset.

Many large organizations, both private and public, periodically undergo system change based on a change in mission; financial constraints; market and service needs; or in response to technology. The Assistant City Administrator's Office and the cluster would be established at a time that our local government will be undergoing a Reduction In Force. The proposed RIF is due to our financial condition and the need to streamline the size and structure of the workforce. A Reduction In Force is painful, however, something positive will result from this pain. It will change how our government provides services, and provide us with an opportunity to utilize employees more effectively.

The Human Resources Development Cluster will consist of the following entities: The Office of the Assistant City Administrator for Human Resources Development; the Office of Personnel; the Office of Labor Relations and Collective Bargaining; the Department of Employment Services; the Office of Education; the Human Rights component of the Department of Human Rights and Minority Business Development; and the Office of Government Workforce Training and Development.

REORGANIZATION PLAN NO. 3 OF 1993

(Approved October 7, 1993)

TRANSFER OF THE WEATHERIZATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO BE CONSOLIDATED WITH THE ENERGY ASSISTANCE PROGRAM UNDER THE D.C. ENERGY OFFICE WITHIN THE DEPARTMENT OF PUBLIC WORKS

Prepared by the Mayor and transmitted to the Council of the District of Columbia pursuant to the provisions of Section 422(12) of the D.C. Self-Government and Governmental Reorganization Act, P.L. 93-198; 87 Stat. 790, codified at D.C. Code § 1-242 (1992 Repl. Vol.) and Section 1-299.3(1) of D.C. Law 4-42, the Government Reorganization Procedures Act of 1981.

DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

I. TRANSFER

The Weatherization Assistance Program (WAP) in the Department of Housing and Community Development (DHCD) is hereby transferred to the D.C. Energy Office (DCEO) under the Department of Public Works.

II. PURPOSE

The purpose of this plan is to consolidate functions being performed at both DHCD and DCEO. This transfer will eliminate overlapping and duplication of effort and will allow for a more efficient operation of the District Government's weatherization programs.

The weatherization services provided by DHCD are consistent with those provided by DCEO. DHCD provides grants to eligible District residents for the purpose of weatherizing their homes (both owners and tenants). The funds for DHCD's operation of the programs are provided annually by the U.S. Department of Energy. Costs for the administration of the program are a part of the grant.

The DCEO operates programs which provide weatherization services and energy assistance in the form of monthly payments for household energy costs to eligible, low-income District residents. DCEO also provides energy efficiency education and promotional activities for residential, commercial, governmental, and institutional entities in the District. In addition, DCEO provides intervention for energy efficiency in utility regulatory proceedings and legislative matters. DCEO is authorized by law (D.C. Law 3-132) to serve as the lead agency to develop and implement the District's responses to energy related problems.

III. ORGANIZATION

The transfer of the WAP will include the reassignment of one (1) staff position (term), four (4) automobiles, all equipment and records associated with the program, and any unexpended grant funds. The U.S. Department of Energy will redirect the WAP grant to the DCEO.

IV. FUNCTIONS

The WAP is operated in accordance with the Federal regulations (10 CFR Part 400) promulgated by the U.S. Department of Energy and will not change.

V. EFFECTIVE DATE

This Reorganization Plan No. 3 of 1933, becomes effective in accordance with Section 422(12) of Public Law 93-198, or on a date thereafter to be designated pursuant to Executive Order of the Mayor.

MAYOR'S STATEMENT

In a continuing effort to make the District Government a more effective and efficient vehicle for the residents of the District of Columbia, this Administration proposes that the Weatherization Assistance Program (WAP) at the Department of Housing and Community Development (DHCD) be transferred to the D.C. Energy Office under the Department of Public Works (DPW).

This transfer would consolidate functions already provided by DCEO, reduce the duplication of services and allow the District to more effectively operate its various energy related programs. This consolidation would also increase efficiency to the fullest extent practicable as it relates to the weatherization of housing units.

The Department of Housing and Community Development receives funding for the Weatherization Assistance Program for low-income persons from the U.S. Department of Energy. These funds can be redirected to DCEO. The D.C. Energy Office is authorized under D.C. Law 3-132 to serve as the lead agency to develop and implement the District's responses to energy-related problems. Therefore, the transfer of WAP to DCEO would serve to fully implement the law.

This action will result in the redirection of the WAP grant, the transfer of one (1) staff position, four (4) automobiles, equipment, records and unexpended grant funds.

I urge the Council to join me in our continuing effort to improve city services for the residents of the District of Columbia by approving this Reorganization Plan.

REORGANIZATION PLAN NO. 4 OF 1993

(Approved October 7, 1993)

I. PURPOSE

To transfer certain functions of Office of Business and Economic Development (OBED) and the Office of International Business (OIB) to the jurisdiction and control of the Office of Economic Development (OED).

To change the position title from Deputy Mayor for Economic Development to Assistant City Administrator for Economic Development.

II. FUNCTIONS

All functions associated with the positions transferred from OBED and OIB are hereby transferred to OED.

III. TRANSFERS

Two (2) OIB positions and five (5) OBED positions, associated property, records and unexpended balances of appropriations, allocations, and other funds, if any, that relate to the positions and functions assigned herein, shall be transferred to OED. All authority for administering activities previously authorized or delegated to OIB and OBED is hereby transferred to OED.

IV. ORGANIZATION

The deputy Mayor for Economic Development, in the performance of the duties and functions assigned by this plan, is authorized to establish such organizational components with specified subcomponents as deemed appropriate.

V. RESCISSION

All orders and parts of orders in conflict with any of the provisions of this plan and the Council mandate are, to the extent of such conflict, hereby repealed.

VI. EFFECTIVE DATE

This Reorganization Plan 4 of 1993 shall become effective in accordance with Section 422(12) of Public Law 93-198, D.C. Code, 1-242(12) update, and Section 5(c) of Public Law 4-42, D.C. Code 1-299.4(c).

MAYOR'S STATEMENT

POSITION TITLE CHANGE

For more than five years, the Office of Economic Development, headed by a Deputy Mayor, has operated under the direction and control of the City Administrator. The position title has created ambiguities regarding the management level of the position and the reporting hierarchy therein. Changing the position title from Deputy Mayor for Economic Development to Assistant City Administrator for Economic Development will more accurately reflect the organizational structure and provide clarity to the Office.

The authority and responsibilities of the Assistant City Administrator will remain the same as under the Deputy Mayor for Economic Development. The functions of the Office of Economic Development (OED) remains the same as in prior years. Although most economic development cluster agency activities will not change, some will undergo restructuring to optimize investment and development opportunities and to improve regulatory oversight responsibilities.

This restructuring of cluster agencies, coupled with the change in name of the position to the Assistant City Administrator for Economic Development will provide a more structured and centralized agency operation and will define clearly, the role of the Assistant City Administrator.

CONSOLIDATION OF FUNCTIONS

In early 1991, after an Executive Branch review of the activities being performed by the Office of Business and Economic Development (OBED) and the Office of International Business (OIB), it was determined that a substantial degree of overlap and duplication of functions and responsibilities existed between the two agencies. In addition, the Council of the District of Columbia, in its consideration of the FY 1994 Appropriated Budget, abolished both

agencies and transferred certain responsibilities and positions to the Office of Economic Development (OED).

Based on the review, the need to economize on efforts and dollars, the need to centralize economic development activities in the District government, the legislative action taken by the Council, and in keeping with my pledge to streamline government, I have authorized the reorganization of the two offices, as cited herein.

In accordance with D.C. Law 4-42, the "Governmental Reorganization Procedures Act of 1981," this reorganization will be accomplished by the transfer of certain staff and functions of OBED and OIB to the administrative control of the Assistant City Administrator for Economic Development in OED. I have determined that both offices have so similar operational responsibilities that the District would be best served by a unified administration. Not only will this change clarify administrative roles and responsibilities, but it will also provide a sharper focus to the District's economic development efforts with the private business sector.

In summary, economic development and related activities currently being performed separately by the OBED and OIB, both of which promote the District in a local, national, and international arenas, should be merged. The centralization of these activities will diminish fragmented, disjointed, and duplicated service delivery and thus, allow the District to promote its marketing campaign and business services more efficiently and cost-effectively.

REORGANIZATION PLAN NO. 1 OF 1995 REORGANIZATION PLAN NO. 5 OF 1996

[Effective April 9, 1997; projected to expire November 20, 1997]

STATEMENT

Reorganization Plan No. 1 of 1995 would consolidate all psychiatric services provided to inmates at the Central Detention Facility ("D.C. Jail") and the Lorton Correctional Facility within the Department of Corrections ("DOC") to improve the medical and psychiatric services provided to inmates at these locations.

The genesis of this proposed Reorganization Plan is *Campbell v. McGruder*, C.A. No. 1462-71 (D.D.C. 1971) and *Inmates of D.C. Jail v. Jackson*, C.A. No. 75-1668 (D.D.C. 1975), cases active in U.S. District Court. On January 27, 1995, the Court ordered the District of Columbia government ("District") to implement the Special Officer's Initial Remedial Plan for Mental Health Care, Medical Care and Compliance Monitoring at the District of Columbia Jail ("Initial Remedial Plan"), which requires DOC to assume full responsibility for all medical and psychiatric services provided to inmates at the Central Detention Facility and at the Lorton Correctional Facility. The Initial Remedial Plan further requires staff who provide psychiatric services to be hired under the exclusive budget authority and auspices of DOC, and that all staff currently detailed to provide mental health services at the D.C. Jail shall become employees of DOC if they meet the standards for employment. The

Initial Remedial Plan establishes staffing requirements and deadlines for hiring appropriate staff. Fines are not assessed for failure to terminate the details to the Department of Human Services ("DHS") staff. However, the District has been fined for failure to hire staff within the time set forth in the Initial Remedial Plan.

Under the current organizational structure, DOC is responsible for providing housing, security, general medical care, and other services to inmates, but not mental health services. DHS, through an informal arrangement that began in the 1960s, has provided consultative mental health services to DOC, and in 1980, pursuant to the decree in *Campbell v. McGruder*, administered and funded an intermediate care program for 160 residents in 2 mental health units. This consultative arrangement was formalized with Reorganization Plan No. 1 of 1986, also known as the Final Mental Health System Implementation Plan. Under this consultative arrangement, DHS recommended treatment, but DOC retained responsibility for providing such treatment.

Unfortunately, this bifurcated arrangement did not provide maximum clinical services in an efficient and economical manner. The sharing of information was hampered by the strict confidentiality requirements of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Code § 6-2001 et seq.). Further, the bifurcation of responsibility, whereby DOC physicians treat mental problems and DHS physicians treat mental illness, at times impedes the efficient delivery of services, results in redundant services, and makes tracking of inmates difficult.

With the Reorganization Plan, DOC will assume responsibility for meeting all of the medical needs of the inmate population, including mental health, which should improve services to inmates by streamlining the administration and provision of services. To carry out its new functions, DOC will augment its Psychiatric Services Program, established in 1992, by the transfer of all vacant and funded positions and the corresponding appropriated budget from the Bureau of Correctional Services, Forensic Services Administration, Commission on Mental Health Services ("CMHS") to DOC.

The Reorganization will not affect court-ordered criminal pretrial and post trial examinations requested by District or United States courts, as these examinations will continue to be the responsibility of the CMHS. Commitments under applicable law following an acquittal by reason of insanity or transfers of inmates to CMHS in accordance with section 928 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1340; D.C. Code § 24-302), or Superior Court Mental Health Rule 9 also are unaffected.

I. PURPOSE

The purpose of this reorganization is to consolidate the provision of medical and mental health services provided to inmates at the Central Detention Facility and the Lorton Correctional Facility within the Department of Corrections, to improve the coordination of mental health and medical services, and to eliminate barriers to the exchange of mental health information created by the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Code § 6-2001 et seq.).

II. TRANSFER OF FUNCTIONS

The function of providing mental health services to inmates in Department of Corrections facilities provided by the Bureau of Correctional Services, Commission on Mental Health Services, is hereby transferred to the Department of Corrections.

III. OTHER TRANSFERS

All vacant and filled positions, personnel, property and unexpended balances of appropriations, allocations, and other funds available or to be made available to perform the functions set forth under Section II above are hereby transferred to the Department of Corrections.

All records relating to the duties and functions transferred in Section II are hereby transferred to the Department of Corrections, except that mental health records shall be transferred only in accordance with the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Code § 6-2001 et seq.).

IV. REORGANIZATION

The Director of the Department of Corrections is authorized to organize the personnel and property transferred herein into such organizational components as the Director deems appropriate, and is authorized to develop any reports and evaluation systems necessary to assess the effectiveness of the Reorganization Plan.

Temporary adoption of Reorganization Plan No. 1 of 1995. — Section 2 of D.C. Law 11-69 provided that pursuant to section 404(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat 790; D.C. Code § 1-227(b)), the Council adopts Reorganization Plan No. 1 of 1995 to transfer the Bureau of Correctional Services from the Department of Human Services to the Department of Corrections as set forth in § 3 of the act.

Section 4(b) of D.C. Law 11-69 provided that the act shall expire after 225 days of its having taken effect or upon the effective date of the Reorganization Plan No. 1 of 1995 for the Department of Human Services and Department of Corrections Act of 1995, whichever occurs first.

Emergency adoption of Reorganization Plan No. 1 of 1995. — For temporary adoption of Reorganization Plan No. 1 of 1995, see §§ 2 and 3 of the Reorganization Plan No. 1 of 1995 for the Department of Human Services and Department of Corrections Emergency Act of 1995 (D.C. Act 11-100, July 21, 1995, 42 DCR 4003).

Section 5 of D.C. Act 12-57 provides for the application of the act.

Temporary adoption of Reorganization Plan No. 5 of 1996. — Section 2 of D.C. Law 11-214 provided that pursuant to section 404(b) of the District of Columbia Self-Government and Governmental Reorganization Act, ap-

proved December 24, 1973 (87 Stat. 790; D.C. Code § 1-227(b)), the Council herein reorganizes the Department of Human Services to transfer the Bureau of Correctional Services from the Department of Human Services to the Department of Corrections as set forth in § 3 of the act.

Section 5(b) of D.C. Law 11-214 provided that the act shall expire after 225 days of its having taken effect.

Emergency adoption of Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections.

— For temporary adoption of the Reorganization of the Department of Human Services, see §§ 2 and 3 of the Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Emergency Act of 1996 (D.C. Act 11-336, August 8, 1996, 43 DCR 4506), §§ 2-3 of the Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Congressional Review Emergency Act of 1996 (D.C. Act 11-427, October 28, 1996, 43 DCR 6143), §§ 2 and 3 of the Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Second Congressional Review Emergency Act of 1996 (D.C. Act 11-471, December 30, 1996, 44 DCR 189), and §§ 2 and 3 of the Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Congressional Review Emergency Act of 1997 (D.C. Act 12-57, March 31, 1997, 44 DCR 2226).

Legislative history of Law 11-69. — Law 11-69, the “Reorganization Plan No. 1 of 1995 for the Department of Human Services and Department of Corrections Temporary Act of 1995,” was introduced in Council and assigned Bill No. 11-381. The Bill was adopted on first and second readings on July 11, 1995, and July 29, 1995, respectively. Signed by the Mayor on August 9, 1995, it was assigned Act No. 11-132 and transmitted to both Houses of Congress for its review. D.C. Law 11-69 became effective on October 26, 1995.

Legislative history of Law 11-214. — Law 11-214, the “Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Temporary Act of 1996,” was introduced in Council and assigned Bill No. 11-805. The Bill was adopted on first and

second readings on July 3, 1996, and July 17, 1996, respectively. Signed by the Mayor on August 9, 1996, it was assigned Act No. 11-392 and transmitted to both Houses of Congress for its review. D.C. Law 11-214 became effective on April 9, 1997.

Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Congressional Review Emergency Declaration Resolution of 1996. — Pursuant to Resolution 11-541, effective October 1, 1996, Council declared the existence of an emergency, due to Congressional review, with respect to the transfer of the Bureau of Correctional Services from the Department of Human Services to the Department of Corrections.

REORGANIZATION NO. 2 OF 1995 TO TRANSFER TO THE MAYOR CERTAIN DISCRETIONARY AUTHORITY VESTED IN THE DEPARTMENT OF HUMAN SERVICES

Emergency adoption of Reorganization No. 2 of 1995. — For the temporary transfer to the Mayor the discretionary authority for creating monetary obligations and approving expenditures in the District of Columbia’s Aid to Families with Dependent Children, Medicaid, and child abuse and neglect/foster care programs that Reorganization Plan No. 2 of 1979,

Reorganization Plan No. 3 of 1986, and the Prevention of Child Abuse and Neglect Act of 1977 vested in the Department of Human Services, see § 2 of the Reorganization No. 2 of 1995 to Transfer to the Mayor Certain Discretionary Authority Vested in the Department of Human Services Emergency Act of 1995 (D.C. Act 11-103, July 21, 1995, 42 DCR 4012).

REORGANIZATION PLAN NO. 4 OF 1996 (Effective July 17, 1996)

Prepared by the Mayor and transmitted to the Council of the District of Columbia on May 24, 1996, pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 770; D.C. Code, sec. 1-242(12)); the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code sec. 1-299.1 *et seq.*) and the Department of Public Health Establishment Act of 1992, effective March 13, 1993 (D.C. Law 9-182; D.C. Code, sec. 6-131 *et seq.*).

I. ESTABLISHMENT

There is hereby established, in the Executive Branch of the government of the District of Columbia (“District”), under the supervision of the Director, a Department of Health (“Department”). The Director shall have full authority over the Department and all functions and personnel assigned thereto, including the power to re-delegate to other employees and officials of the Department such powers and authority as, in the Director’s judgment, are warranted in the interests of efficiency and sound administration.

II. PURPOSE

The mission of the Department is to ensure the provision of high quality health services by establishing District-wide health policy and standards and guidelines for safe and quality health service delivery; foster and promote health education and disease prevention; structure an efficient and cost-effective health care financing system; implement, monitor and evaluate the Department's strategic health plan and the District-wide health plan; and undertake activities that will support the highest quality of life achievable for District residents and visitors.

III. ORGANIZATION

There are hereby established in the Department: (1) the Office of the Director, with such subordinate staff offices as are required to carry out overall management responsibility for the Department; (2) the Finance and Administration Offices, with such subordinate staff offices as are required to coordinate and manage the financial and administrative functions for the Department; (3) the Health Regulation Administration, to develop the District-wide health plan, assure quality management and compliance with applicable federal and District rules that govern public health systems, license health care and social service professionals; regulate occupational and professional conduct and standards, health care and social service facilities and ensure compliance with applicable federal and District rules that govern uses and practices that affect the physical environment; (4) the State Health Affairs Administration, to fulfill state agency functions in the areas of maternal and child health, ambulatory, long term and preventive health care; (5) the Health Care Finance Administration, to administer the Medicaid program, Medical Charities Program and develop service coverage, service delivery and reimbursement policies for the District government's health care financing programs; (6) the Addiction, Prevention and Recovery Administration, to coordinate the administer drug and substance abuse prevention and treatment programs and services; and (7) the HIV/Aids Administration, to coordinate programs and support services for Human Immuno-deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS).

IV. ACTIONS

The functions of the major organizational components of the Department shall be to:

- Plan and evaluate the delivery of comprehensive health care services for District residents and visitors;

- Provide services to promote good health, reduce morbidity and mortality resulting from major preventable hazards and diseases;

- Provide treatment, rehabilitation and substance abuse prevention services to residents of the District and services to identify substance abusers;

- Provide nutritious foods and nutrition education to eligible infants, children, mothers and the elderly;

- Develop a District-wide health plan and issue certificates of need for new facilities and services in accordance with the health plan;

Provide educational services and oversee the delivery of medical services to combat the spread of AIDS;

Administer the District government's Medicaid and Medical Charities programs;

Regulate occupational and professional conduct, health care and social services facilities, and ensure compliance with applicable federal and District rules that govern uses and practices that affect the physical environment;

Administer the school health program in elementary and secondary schools;

Administer the provision of long term care services;

Determine the level of care for placement of individuals in nursing home and community residential facilities;

Administer the District government's Nurse Aide Program and Personal Care Aide Training, Competency, Evaluation and Certificate Programs;

Provide information on sexually-transmitted diseases and prevention services;

Coordinate the development and implementation of health care policies and procedures and oversee the establishment of health care and quality assurance standards;

Advocate and communicate broad health policy on behalf of the Executive for inclusion in legislation and to serve as a guide for resource allocation determinations and service delivery decisions by private sector providers;

Establish and promote public/private sector partnerships and consumer participation that fosters the systematic and integrated delivery of comprehensive health services;

Monitor and evaluate operations to ensure management accountability within the Department; and

Develop, coordinate and monitor the delivery of quality medical services to clients of the Department of Human Development.

The functions of the office of the Director shall be to provide direction and ensure the coordination of operating Administration, review policy developed by the Department's administration and oversee compliance with statutes and rules that pertain to the operations of the Department and programs administered by the Department. The Office of the Director shall supervise the following staff offices:

The Office of the General Counsel, which shall review legal matters pertaining to the Department and its programs, analyze existing or proposed federal or local legislation and rules, manage the development of new legislation and rules and coordinate legal services to the Department and the representation of the Department with the Office of the Corporation Counsel.

The Office of the Medical Examiner, which shall conduct investigations of homicides, suicides, accidental and drug-related deaths to determine the cause of death.

The State Center for Health Policy and Statistics, which shall administer the District's government vital records system, provide comprehensive health needs assessment, policy development and implementation, and program research and evaluation.

The Office of Emergency Health and Medical Services, which shall oversee the development and delivery of emergency health care by coordinating government and community resources.

The functions of the Finance and Administration Offices are to coordinate and manage the financial and administrative function of the Department under the supervision of the Director. The Office of the Director also shall supervise the following three offices:

The Office of the Controller, which shall coordinate the analysis, development, and presentation of the Department's budget, monitor expenditures and enter all financial transactions into the financial management system.

Office of Contracts, Procurement and Grants, which shall coordinate and effect the purchases of goods and services of the Department, by reviewing and processing contracts, procurements and grants.

Office of Facilities Management, which shall assure that the Department has adequate, efficient and cost-effective facilities, administrative, printing and graphic services.

V. TRANSFER OF FUNCTIONS

The following functions are hereby transferred to the Department of Health:

Each of the functions assigned, and authorities delegated to the Director of the Department of Human Services as set forth in Sections III.(K), (L), and (P), of Reorganization Plan No. 3 of 1986, dated January 3, 1987; and

The administrative and management support functions in the Department of Human Services as set forth in Sections III.(A), (B), (C), (D), (E), and (F), of Reorganization Plan no. 3 of 1986, dated January 3, 1987, that relate to the functions set forth in Section V.(A)(I) above. [(A)(I) of this section.]

VI. OTHER TRANSFERS

All positions, personnel, property, records and unexpended balances of appropriations, allocations, and other funds available to be made available that relate to the functions set forth under Section V. above, are hereby transferred to the Department.

VII. REORGANIZATION

The Director of the Department is authorized to organize the personnel and property transferred herein within any organizational unit of the Department as the Director deems appropriate. Until such establishment, existing Orders establishing the components of the Commission of Public Health remain in force, where they do not conflict with this Plan.

VIII. EFFECTIVE DATE

This Reorganization Plan No. 4 in all its parts shall become effective pursuant to the promulgation of an executive order of the Mayor establishing the same, which shall be issued no later than thirty (30) calendar days after this plan has been approved in accordance with the requirements of Section 422(12) of the Home Rule Act (D.C. Code, sec. 1-242(12)).

Emergency act amendments. — For temporary reorganization of the Department of Human Services to transfer the Bureau of Correctional Services from the Department of Hu-

man Services to the Department of Corrections, see §§ 2-3 of the Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Emergency Act of 1997

(D.C. Act 12-201, December 10, 1997, 44 DCR 7600).

Temporary description of functions. — For temporary provisions describing the functions of the Department of Health, as established by this Reorganization Plan, see § 2 of D.C. Law 12- (Act 12-634).

Section 4(b) of D.C. Law 12- (Act 12-634)

provided that the act shall expire after 225 days of its having taken effect.

Reorganization Plan No. 4 of 1996 for the Department of Health Approval Resolutions of 1996. — Pursuant to Resolution 11-450, effective July 17, 1996, Council approved Reorganization Plan No. 4 for 1996 for the Department of Health.

REORGANIZATION PLAN NO. 7 OF 1996

(Effective December 13, 1996)

I. Purpose

(A) To abolish the International Business Program (IBP) in the Office of Economic Development (OED) and transfer its functions to a newly established Office of International Affairs.

(B) To create the Office of International Affairs (OIA) as an independent subordinate agency within the Executive Office of the Mayor.

(C) To transfer the foreign protocol functions of the Protocol Office (PO), in the Office of the Secretary of the District of Columbia (OSDC) to the OIA.

(D) To designate one of the transferred positions as Director of the Office of International Affairs which shall be a subordinate agency head appointed by the Mayor with the consent of the Council.

(E) To coordinate the international activities of the Office of Tourism and Promotions (OTP) and the Washington Convention and Visitors Bureau, and other District agencies with the OIA.

II. Functions

(A) The Office of International Affairs shall have the following functions:

(1) To attract and bring foreign business and other international trade and investment to the District.

(2) To coordinate the international affairs activities of all District agencies and to provide a point of contact with OIA liaison from other agencies in order to foster cooperation an international affairs involving other agencies.

(3) To be responsible for international protocol including the coordination of the District's activities with visiting international dignitaries.

(B) All functions of the IBP associated with the positions transferred from the IBP, and the international protocol functions of the OSDC are hereby transferred to the OIA.

III. Transfers

Two IBP positions and one position from the OTP, associated property, records and unexpended balances of appropriations, allocations, and other funds, of any, that related to the positions and functions assigned herein, shall be transferred to the OIA. All authority for administering activities previously authorized or delegated to the OED and the OSDC, directly related to the functions outlined in Section II above, is hereby transferred to the OIA.

IV. Organization

The Director of the Office of International Affairs, in the performance of the duties and functions assigned by this plan, is authorized to establish such organizational components with specified subcomponents as deemed appropriate.

V. Rescission

All orders and parts of orders in conflict with any of the provisions of this plan are, to the extent of such conflict, hereby rescinded.

VI. Effective Date

This Reorganization Plan No. 7 of 1996 shall become effective in accordance with section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 790; D.C. Code § 1-242(12), and section 5(c) of the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code § 1-299.4(c)).

Delegation of Authority — Office of the Secretary. — See Mayor's Order 97-71, April 9, 1997 (44 DCR 2339).

REORGANIZATION PLAN NO. 1 OF 1998

Reorganization for the Office of the Corporation Counsel and the Department of Human Services

I. PURPOSE

The purpose of this reorganization plan is to consolidate into one agency, the operation and administration of the child support enforcement program pursuant to Pub. L. 93-647 ("Title IV-D" of the Social Security Act), Pub. L. 98-378 and Pub. L. 100-485, and District of Columbia law relating to the establishment of paternity and support and the enforcement of support obligations. Under this Reorganization Plan, the Office of Corporation Counsel which performs the legal functions related to the child support program, will, upon the effective date of this Reorganization Plan, directly administer the District's Title IV-D Program previously performed by the Department of Human Services.

II. TRANSFER OF FUNCTIONS

All functions of the Office of Paternity and Child Support Enforcement, within the Department of Human Services, are hereby transferred to the Office of the Corporation Counsel.

III. ESTABLISHMENT

(a) There is hereby established in the Office of the Corporation Counsel a new Child Support Division which shall be comprised of the current Child

Support Section (within the OCC Family Services Division) and the Office of Paternity and Child Support Enforcement, Department of Human Services.

(b) The Office of Corporation Counsel:

(1) shall be the state agency for purposes of applying for and receiving federal funds for the operations of the Title IV-D program relating to the establishment of paternity and support and the enforcement of support obligations. Toward that end, the Office shall take all steps necessary for the submission and approval of the District of Columbia State Plan under the Title IV-D and any plan amendments.

(2) shall be responsible for representing the interest of the District in all legal matters relative to establishing and enforcing support orders in all Title IV-D cases; and

(3) shall coordinate and enter into such cooperative agreements as necessary with other District government agencies engaged in child support enforcement activities, including, but not limited to, the Department of Human Services, the Superior Court of the District of Columbia, the Department of Revenue, the Department of Health, the Metropolitan Police Department, and the Lottery and Charitable Games Control Board.

IV. OTHER TRANSFERS

All positions, personnel, property, records, equipment, and unexpended balances of appropriations, allocations, and other funds available, or to be made available, that relate primarily to the functions set forth in Part II above are hereby transferred to the Office of the Corporation Counsel.

V. REALIGNMENT FOLLOWING REORGANIZATION

The Corporation Counsel, in the performance of duties and functions transferred by this Reorganization Plan, is authorized to establish such organizational components with such specified functions as he/she deems appropriate.

VI. ABOLISHMENT

The Office of Paternity and Child Support Enforcement within the Commission on Social Services, Department of Human Services, is hereby abolished.

VII. EFFECTIVE DATE

This Reorganization Plan No. 1 of 1998 in all its parts shall become effective pursuant to the promulgation of an executive order of the Mayor establishing the same after this plan has been approved in accordance with the requirements of Section 422(12) of the Home Rule Act (D.C. Code § 1-242(12)) and section 161 of the District of Columbia Appropriations Act, 1998, Public Law 105, 100, approved November 19, 1997.

REORGANIZATION PLAN NO. 5 OF 1998

Reorganization of the Department of Human Services

STATEMENT

This reorganization would consolidate all psychiatric services provided to inmates at the Central Detention Facility ("D.C. Jail") and the Lorton

Correctional Facility within the Department of Corrections ("DOC") to improve the medical and psychiatric services provided to inmates at these locations.

The genesis of this proposed Reorganization Plan is *Campbell v. McGruder*, C.A. No. 1462-71 (D.D.C. 1971) and *Inmates of D.C. Jail v. Jackson*, C.A. No. 75-1668 (D.D.C. 1975), cases active in U.S. District Court. On January 27, 1995, the Court ordered the District of Columbia government ("District") to implement the Special Officer's Initial Remedial Plan for Mental Health Care, Medical Care and Compliance Monitoring at the District of Columbia Jail ("Initial Remedial Plan"), which requires DOC to assume full responsibility for all medical and psychiatric services provided to inmates at the Central Detention Facility and at the Lorton Correctional Facility. The Initial Remedial Plan further requires staff who provide psychiatric services to be hired under the exclusive budget authority and auspices of DOC, and that all staff currently detailed to provide mental health services at the D.C. Jail shall become employees of DOC if they meet the standards for employment. The Initial Remedial Plan establishes staffing requirements and deadlines for hiring appropriate staff. Fines are not assessed for failure to terminate the details to the Department of Human Services ("DHS") staff. However, the District has been fined for failure to hire staff within the time set forth in the Initial Remedial Plan.

Under the current organizational structure, DOC is responsible for providing housing, security, general medical care, and other services to inmates, but not mental health services. DHS, through an informal arrangement that began in the 1960s, has provided consultative mental health services to DOC, and in 1980, pursuant to the decree in *Campbell v. McGruder*, administered and funded an intermediate care program for 160 residents in 2 mental health units. This consultative arrangement was formalized with Reorganization Plan No. 1 of 1986, also known as the Final Mental Health System Implementation Plan. Under this consultative arrangement, DHS recommended treatment, but DOC retained responsibility for providing such treatment.

Unfortunately, this bifurcated arrangement did not provide maximum clinical services in an efficient and economical manner. The sharing of information was hampered by the strict confidentiality requirements of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Code § 6-2001 et seq.). Further, the bifurcation of responsibility, whereby DOC physicians treat mental problems and DHS physicians treat mental illness, at times impedes the efficient delivery of services, results in redundant services, and makes tracking of inmates difficult.

With the Reorganization Plan, DOC will assume responsibility for meeting all of the medical needs of the inmate population, including mental health, which should improve services to inmates by streamlining the administration and provision of services. To carry out its new functions, DOC will augment its Psychiatric Services Program, established in 1992, by the transfer of all vacant and funded positions and the corresponding appropriated budget from the Bureau of Correctional Services, Forensic Services Administration, Commission on Mental Health Services ("CMHS") to DOC.

The Reorganization will not affect court-ordered criminal pretrial and post trial examinations requested by District or United States courts, as these

examinations will continue to be the responsibility of the CMHS. Commitments under applicable law following an acquittal by reason of insanity or transfers of inmates to CMHS in accordance with section 928 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1340; D.C. Code § 24-302), or Superior Court Mental Health Rule 9 also are unaffected.

I. PURPOSE

The purpose of this reorganization is to consolidate the provision of medical and mental health services provided to inmates at the Central Detention Facility and the Lorton Correctional Facility within the Department of Corrections, to improve the coordination of mental health and medical services, and to eliminate barriers to the exchange of mental health information created by the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Code § 6-2001 et seq.).

II. TRANSFER OF FUNCTIONS

The function of providing mental health services to inmates in Department of Corrections facilities provided by the Bureau of Correctional Services, Commission on Mental Health Services, is hereby transferred to the Department of Corrections.

III. OTHER TRANSFERS

All vacant and filled positions, personnel, property, and unexpended balances of appropriations, allocations, and other funds available or to be made available to perform the functions set forth under Section II above are hereby transferred to the Department of Corrections.

All records relating to the duties and functions transferred in Section II are hereby transferred to the Department of Corrections, except that mental health records shall be transferred only in accordance with the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Code § 6-2001 et seq.).

IV. REORGANIZATION

The Director of the Department of Corrections is authorized to organize the personnel and property transferred herein into such organizational components as the Director deems appropriate, and is authorized to develop any reports and evaluation systems necessary to assess the effectiveness of the Reorganization Plan.

Temporary Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections. — Section 2 of D.C. Law 12-80 provides that pursuant to § 1-227(b), the Council reorganizes the Department of Human Services to transfer the Bureau of Correctional Services from the Department of Human Services to the Department of Corrections as set forth in § 3 of D.C. Law 12-80.

Section 5(b) of D.C. Law 12-80 provides that the act shall expire after 225 days of its having taken effect.

Temporary Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections. — Section 2 of D.C. Law 12-214 provides that pursuant to § 1-227(b), the Council reorganizes the Department of Human Services to transfer the Bureau

of Correctional Services from the Department of Human Services to the Department of Corrections as set forth in § 3 of D.C. Law 12-214.

Section 5(b) of D.C. Law 12-214 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary reorganization of the Department of Human Services to transfer the Bureau of Cor-

rectional Services from the Department of Human Services to the Department of Corrections, see §§ 2-3 of the Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Emergency Act of 1998 (D.C. Act 12-510, November 10, 1998, 45 DCR 8149).

Section 5 of D.C. Act 12-510 provides for the application of the act.

CONSTITUTION FOR THE STATE OF NEW COLUMBIA

(Enacted 1987)

Article VI. Budget and Financial Management

§ 608. Financial duties of the Governor.

ARTICLE VI. BUDGET AND FINANCIAL MANAGEMENT

Sec. 608. Financial duties of the Governor

* * * * *

(b) Notwithstanding subsection (a) of this section, the Governor may make any payments required by subsection (b) or subsection (c) of section 714 and take any actions authorized by an act of the House of Delegates under section 707 or under subsection (a)(4)(A) or subsection (c), of section 718. (Feb. 5, 1994, D.C. Law 10-68, § 2, 40 DCR 6311.)

CONSTITUTION OF THE UNITED STATES OF AMERICA

AMENDMENTS.

Amendment XXVII.

Amendment XIV.

Compensation of Members of Congress.

Amendment XIV.

§ 1. Citizenship rights not to be abridged by states.

AMENDMENTS TO THE CONSTITUTION.

[AMENDMENT XIV]

Financial duties of the Governor

Section 1.

[Citizenship Rights Not to Be Abridged by States]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Editor's notes. — Section 1 of Amendment XIV is set out above to correct a typographical error appearing in the bound volume.

[AMENDMENT XXVII]

[Compensation of Members of Congress]

No Law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Historical note. — The 27th Amendment to the Constitution was proposed by the Congress on September 25, 1789. It was ratified by the following states, and the notifications of the ratification by the governors thereof were successively communicated by the President to the Congress: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas,

Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin and Wyoming.

Ratification was completed on May 18, 1992.



